ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE
ORGANIZATIONAL SESSION, 1987
REGULAR SESSION, 1987

VOL. I

GUY HUNT, Governor
JIM FOLSOM, JR., Lieutenant Governor
RYAN DEGRAFFENRIED, President Pro-Tem of the Senate
JAMES S. CLARK, Speaker of the House
JAMES M. CAMPBELL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1987 Organizational Session and 1987 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Glen Browder
Secretary of State

"WHEREVER LAW ENDS, TYRANNY BEGINS. . . . ."

John Locke, *Second Treatise of Civil Government* (1690)

The words of John Locke, written approximately three centuries ago, demonstrate the importance of law in a democratic society. Equally important in a democracy is the public's "right to know" about the laws of government, a right which is protected by the United States Constitution, the Alabama Constitution, and the Code of Alabama.

The Secretary of State is required by the Code of Alabama to publish and make available the laws and resolutions of the Legislature. However, many people are due the credit for making these volumes possible, including, McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Julie Saint, enrolling and engrossing clerks; Dodie Pappanastos and Helen Thorington, technical proofreaders; Carla Lockwood, recording secretary for the Governor; Louis Greene, Director of the Legislative Reference Service; Hannah Bates and Brenda Colvin of the Secretary of State's office.

Suggestions regarding the organization, publication, and distribution of these Acts of Alabama are welcomed.

Glen Browder
Secretary of State

ALABAMA LAWS

and Joint Resolutions

ORGANIZATIONAL SESSION, 1987

Act No. 87-01 H.J.R. 3—Rep. Campbell

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-02 H.J.R. 5—Rep. Campbell

HOUSE JOINT RESOLUTION

CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-03 H.J.R. 8—Rep. Campbell

HOUSE JOINT RESOLUTION

APPOINTMENT OF COMMITTEE TO ADVISE THE GOVERNOR OF JOINT MEETING OF HOUSE AND SENATE TO HEAR HIS MESSAGE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 2:00 P.M., on Wednesday, January 14, 1987, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-04 H.J.R. 12—Rep. Richardson

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM WALLACE GROSS OF SCOTTSBORO, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of William Wallace Gross of Scottsboro, Alabama, on January 5, 1987, at the age of 95 years; and

WHEREAS, a native of Jackson County, Alabama, a veteran of World War I, and later a captain in Scottsboro's first National Guard unit, Mr. Gross also was a former and very prominent area businessman; and

WHEREAS, he further served from 1948 to 1952 as mayor of Scottsboro and, from 1959 to 1963, as a member of the Alabama

House of Representatives rendering meritorious service to both Jackson County and the State of Alabama; and

WHEREAS, Mr. Gross, among other involvements, had been active in senior citizens' organizations and the affairs of the First United Methodist Church of Scottsboro, and was the recipient of such honors and accolades as the Golden Eagle Award, Alabama Senior Citizens Hall of Fame, and honorary lieutenant colonel aide-de-camp in the Alabama State Militia, as well as numerous tributes by local, state and national dignitaries; and

WHEREAS, in the death of William Wallace Gross, the State of Alabama has indeed suffered the loss of an exemplary citizen and an outstanding patriot; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Wallace Gross of Scottsboro, Alabama, and extend deepest sympathy to all his family, whose great sorrow we share and for whom a copy of this resolution shall be provided.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-05 H.J.R. 13—Reps. Richardson, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell,

Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM DAVID STARKEY OF HOLLYWOOD, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of William David Starkey of Hollywood, Alabama, on November 25, 1986, at the age of just 29 years; and

WHEREAS, young David Starkey, who was the beloved son of Winnell Starkey and of former State Representative Bethel D. Starkey, was a graduate of Scottsboro High School and had attended Northeast State Junior College, the University of Alabama-Birmingham and Jacksonville State University; he also had served as a legislative aide during past sessions of the Alabama Legislature; and

WHEREAS, David Starkey was indeed a very fine and personable young man who, as a former football player at Scottsboro High, remained interested in all sports and was an avid outdoorsman, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William David Starkey of Hollywood, Alabama, and extend our very deepest sympathy to all his family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for David's mother and father, and for other family members, that they may know we sincerely share the sorrow of their great and grievous loss.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-06 H.J.R. 14—Reps. McMillan and Penry

HOUSE JOINT RESOLUTION

COMMENDING THOMAS H. BENTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the January 19, 1987, retirement of Thomas H. "Buck" Benton brings to a close his distinguished 12-year tenure of exemplary service as Sheriff of Baldwin County, Alabama; and

WHEREAS, Sheriff Benton, during this time, has indeed served his constituency well and, most particularly, in the areas of drug education and eradication, and in the prevention of child abuse; and

WHEREAS, as the first sheriff in Alabama to launch a marijuana eradication program, Buck Benton is responsible for having destroyed, during the past four years alone, some 31,000 plants which represents a loss of more than $30 million to drug dealers in our state; and

WHEREAS, further, with the cooperation and approval of the board of education, a drug education program is now in effect in the public and many private schools of Baldwin County, whereby approximately 12,000 students are instructed annually on the dangers of drug and alcohol abuse, while those in kindergarten are taught the rules of child safety; and

WHEREAS, Sheriff Benton, in yet another innovative approach to law enforcement, has established a sexual assault unit to deal with sexual and physical abuse of children with the objective of bringing various agencies together for a one-time questioning of suspected victims; in October 1986, this unit was assigned permanent housing in Bay Minette where interviews are conducted and all records are kept; and

WHEREAS, in recognition of Sheriff Benton's outstanding accomplishments in drug work, the Marine Corps League of Baldwin County has honored him with its 1984 "Outstanding Citizenship Award"; and

WHEREAS, Sheriff Benton, prior to his law enforcement career, served the citizens of Baldwin County as a member of the Alabama Legislature from 1970-74, and he continues to serve the community as a trustee of the Foley Schools and as a member of the local advisory board of the Alabama Boys Ranch at Summerdale which he was instrumental in establishing; and

WHEREAS, he also serves as a lay reader at St. Peter's Episcopal Church in Bon Secour and is a past Worshipful Master of Foley

Masonic Lodge #766, past Worthy Patron of the Foley Eastern Star, and currently holds membership in the Scottish Rite Bodies of Mobile, Veterans of Foreign Wars, Bay Minette Rotary Club, Orange Beach Lions Club, and the Bay Minette and South Baldwin County Chambers of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service as Sheriff of Baldwin County and contributions to the community, we hereby commend Thomas H. "Buck" Benton, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved January 16, 1987

Time 4:00 P.M.

Act No. 87-07 H.J.R. 15—Reps. Hettinger, Hall, Grayson, Brooks, Freeman and Butler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HARRY F. VINCENT OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Harry F. Vincent of Huntsville, Alabama, on January 3, 1987, at the age of 68 years; and

WHEREAS, a native of Union City, Tennessee, Mr. Vincent also was a 1940 graduate of Washington University with the bachelor of science degree in electrical engineering and held an MBA from the University of Alabama in Huntsville; and

WHEREAS, during World War II, he was a bomber pilot with the Air Corps and later held engineering positions in the private sector and with the U.S. Department of the Navy; and

WHEREAS, in 1951, Mr. Vincent joined the U.S. Army Missile Command, retiring in 1974 as project director for the Research and Development Directorate, and later served as a consultant for the U.S. Army Strategic Defense Command and for private contractors, making contributions to such projects as HOE, SENTRY, ERIS, AOA and ground based laser; and

WHEREAS, Mr. Vincent, senior member of the Institute of Electrical Engineers, further was a charter member of Trinity United Methodist Church and past chairman of the Board of Stewards; a

Master Mason in the Helion Lodge, Huntsville; and was an active member of the American Diabetes Association having served at one time as director of the Alabama affiliate of this organization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Harry F. Vincent of Huntsville, Alabama, and extend sincere sympathy to his wife, Rachel Boone Vincent; daughters, Judith Vincent Patrick and Barbara Vincent Glover; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-08 H.J.R. 16—Reps. Hettinger, Brooks, Grayson, Freeman and Butler

HOUSE JOINT RESOLUTION

COMMENDING THE MADISON COUNTY CHAPTER OF MOTHERS AGAINST DRUNK DRIVING.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the successful efforts by the Madison County Chapter of Mothers Against Drunk Driving, and other participants, to ensure a safe holiday season in the Huntsville area; and

WHEREAS, through financial assistance, as well as other special efforts, by many Huntsville businesses, MADD was enabled to initiate several projects to help reduce the number of accidents and fatalities resulting from drunk drivers behind the wheel; and

WHEREAS, as reminders to the public that "Drunk Drivers Destroy Dreams," wrecked cars were placed in strategic locations throughout Huntsville, some 30,000 red ribbons were distributed to be attached to automobiles, and many additional reminders appeared as messages on business marquees throughout the city; and

WHEREAS, further, during the holiday season, some 521 people availed themselves of the free cab ride service offered at all establishments selling liquor, while Huntsville's year-round Teen Safe Rides program provided a total of 69 teenagers a safe ride home; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend the Madison County Chapter of MADD, as well as Huntsville's cab drivers, the media and other participants who joined together to make their city as safe as possible during the recent holidays.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to MADD of Madison County.

Approved January 16, 1987

Time 4:00 P.M.

Act No. 87-09 H.J.R. 17—Reps. McKee, Hooper, Walker, Buskey (JL), Mikell, Holmes and Campbell

HOUSE JOINT RESOLUTION

CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama extends heartiest congratulations to Montgomery's Robert E. Lee High School Generals on their 1986 Class 6A State Football Championship which is the eighth State Title for their school; and

WHEREAS, with a perfect 10-0 record in regular season play, the Generals marched through four rounds of the play-offs, defeating Selma, Carver of Montgomery, Opelika and Mobile's Vigor High—38-14, 21-0, 13-2 and 26-14, respectively; and

WHEREAS, Coach Spence McCracken's powerhouse then downed Jess Lanier of Bessemer, 13-7, to claim the State Title and the glory, both for Robert E. Lee and for the Generals' many faithful fans and boosters; and

WHEREAS, it is further to be noted, with highest commendation, that Lee's fifteen victories are the most wins ever in the State of Alabama by a Class 6A team; the Generals also posted 481 points for the season while holding their formidable opponents to a total of 126—an average of 32 to 8 points per game; and

WHEREAS, commendations also are in order for Head Coach McCracken's talented assistants: Coaches Jim Tuley, Jim Perry, Jim Arrington, Clay Jordan, Lorenzo Harrison, Jackie Reynolds, Mike Wilson, Sonny Vandevender, Robert Hudson and Don Griffen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Robert E. Lee High School Generals, Class 6A State Football Champions for 1986.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach McCracken, on behalf of his 1986 Champions, and that additional copies be presented to Principal Fred Guy for appropriate presentation and display at Robert E. Lee High School in Montgomery, Alabama.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-10 H.J.R. 20—Reps. Butler, Freeman, Grayson, Hall, Hettinger and Brooks

HOUSE JOINT RESOLUTION

COMMENDING DANA WEBB, OF HUNTSVILLE, ALABAMA, 1986 BROADCASTER OF THE YEAR.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, extends congratulations to Dana Webb of Huntsville, Alabama, on his selection as 1986 Broadcaster of the Year, in America's small markets, by the Country Music Association; and

WHEREAS, Dana Webb, who currently serves as program director of WBHP, Huntsville, Alabama, also hosts the Huntsville area's most highly rated morning show that is built upon a format of music, information and conversation, a gentle and warm combination with outstanding appeal to his vast radio audience; and

WHEREAS, Mr. Webb, a native of Indiana, came to WBHP in 1984 with more than ten years experience as host of his own radio and television show; he previously was a high school teacher of radio and television, and holds both the B.S. and M.S. degrees in communication from Butler University; and

WHEREAS, Dana Webb, with his show, "Dana's Place," holding a substantial lead in the Huntsville metro survey area, was nominated for the Country Music Association award in early 1986; still among the top five under consideration after two rounds of voting, he was named the winner by a panel of judges following their review and consideration of his tapes and promotional materials; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding professional achievement, we hereby most highly commend the 1986 Broadcaster of the Year, Dana Webb of Huntsville, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-11 H.J.R. 24—Reps. Ford, Junkins and Bugg

HOUSE JOINT RESOLUTION

CONGRATULATING GADSDEN HIGH SCHOOL ON THE 1986 CLASS 5A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, in sentiment of highest commendation, the Legislature of Alabama extends congratulations to the Gadsden High School Tigers on their 1986 Class 5A State Football Championship; and

WHEREAS, it is further to be noted that in capturing the State Title, the Tigers displayed remarkable determination, dedication and drive by winning their last eight games in a row, thereby turning a 1-5 season into a winning 9-5 record and the State Championship for Gadsden High; and

WHEREAS, leading the Tigers to their championship season was Head Coach Vince Di Lorenzo, a three-year veteran at Gadsden High School, and his Assistant Coaches Ronald Mayes, Danny Kimble, Wallace McDuffie, M. D. Hotten, Rex Keeling, Charles Nails, Ken Mummah and Larry Sudberry, with Jackie Beck serving as team Chaplain; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Gadsden High School Tigers on their 1986 Class 5A State Football Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Di Lorenzo, on behalf of his staff and team, and to Principal Bob Russell and Superintendent Fred Taylor for appropriate display at Gadsden High School.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-12 H.J.R. 25—Rep. Black

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. WRIGHT WILLIAMS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, December 25, 1986, of Mr. and Mrs. Wright Williams of Gainesville, Alabama; and

WHEREAS, in the sight of God, Wright Williams and his wife, Laura, were joined in wedlock on December 25, 1936, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Williams' marriage has been further richly blessed with the birth of seven sons, one of whom died in early childhood, and with five daughters; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Williams were honored on their anniversary at a reception and ceremonies held on December 25, 1986, and attended by numerous family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Gainesville, Alabama, Mr. and Mrs. Wright Williams, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Williams that they may know of our congratulations and warm best wishes for the future.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-13 H.J.R. 26—Rep. Black

HOUSE JOINT RESOLUTION

CONGRATULATING THE REVEREND AND MRS. DWIGHT L. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, December 27, 1986, of the Reverend and Mrs. Dwight L. Bell of Livingston, Alabama; and

WHEREAS, in the sight of God, Dwight L. and Hattie K. Bell were joined in wedlock on December 27, 1936, in the Sumterville Baptist Church, Sumterville, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, their marriage has been further richly blessed with the birth of five sons and three daughters, and with eighteen fine grandchildren and with two great-grandchildren; and

WHEREAS, in celebration of this milestone in their journey through life together, the Reverend and Mrs. Bell were honored on their anniversary at a reception and ceremonies held on December 27, 1986, and attended by numerous family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Livingston, Alabama, the Reverend and Mrs. Dwight L. Bell and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Reverend and Mrs. Bell that they may know of our congratulations and warm best wishes for the future.

Approved January 16, 1987

Time: 4:00 P.M.

Act No. 87-14 S.J.R. 11—Senators Manley, deGraffenried, Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING SHERIFF LOUIE C. COLEMAN OF CARROLLTON ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service of Louie C. Coleman of Carrollton, Alabama, as Sheriff of Pickens County for the past 24 years; and

WHEREAS, first elected to office in 1962, Sheriff Coleman was subsequently re-elected to five additional and consecutive four-year terms for a total tenure of 24 years in service to the citizens of Pickens County and West Alabama; and

WHEREAS, Sheriff Coleman, in addition to providing highly effective protection and safety for all citizens within his jurisdiction, also served his profession in numerous capacities of leadership; he is a past president of the Alabama Sheriffs Association, a charter member of Pickens County Lodge 54 of the Fraternal Order of Police, a member of the board of directors of the Alabama Sheriffs Boys and Girls Ranches, and is the 1981 American Legion National Law Enforcement Officer of the Year; and

WHEREAS, a United States Army veteran of the Korean Conflict and a member of American Legion Post 104, he also is a Mason and a Shriner, and is a member of the Carrollton Lions Club and of the Carrollton Baptist Church; and

WHEREAS, Louie C. Coleman is indeed one of Alabama's most outstanding law enforcement officers with an enviable record of service that is viewed with deep gratitude by all those he served so well for so many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding service as Sheriff of Pickens County, Alabama, and in gratitude for his many other contributions to the community, we hereby commend Louie C. Coleman of Carrollton, whom we hold in utmost regard and for whom a copy of this resolution shall be provided.

Approved January 27, 1987

Time: 9:35 A.M.

Act No. 87-15 S.J.R. 12—Senators Bennett and Dial

SENATE JOINT RESOLUTION

COMMENDING RICK McBRIDE FOR SERVICE AS LEGISLATIVE LIAISON FOR THE STATE DEPT. OF EDUCATION.

WHEREAS, former State Representative Rick McBride, who has served the past nine years as director of the Division of Legislative Services, did so with distinction and exceptional ability; and

WHEREAS, Dr. McBride, who is retiring from active service in the State Department of Education, helped direct the passage of many pieces of important legislation for Alabama schools in his capacity as legislative liaison; and

WHEREAS, Dr. McBride brought to these duties special dedication and experience spanning 30 years of faithful and exemplary service as a science teacher, coach, principal and city school superintendent; and

WHEREAS, Dr. McBride, who served in the Alabama House of Representatives from 1970-74, has received both state and national recognition for his efforts on behalf of public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. McBride be commended for his outstanding and dedicated service on behalf of public education in the State of Alabama and wishes him well upon his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. McBride and the State Board of Education.

Approved January 27, 1987

Time: 9:34 A.M.

Act No. 87-16 S.J.R. 13—Senator Dial

SENATE JOINT RESOLUTION

NAMING THE GYMNASIUM AT CLAY COUNTY HIGH SCHOOL IN ASHLAND, ALABAMA, THE "LEONARD BROOKS GYMNASIUM."

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the distinguished service rendered by Leonard Brooks of Ashland, Alabama, to the Clay County Public School System; and

WHEREAS, during his lengthy tenure of some 27 years with the Clay County Schools, Mr. Brooks served a total of six years as a vocational teacher, two years as a veterans teacher, four years as vocational director and, for fifteen years, as superintendent of schools; and

WHEREAS, Mr. Brooks' longtime labors as a proponent of quality education for the youth of Clay County are deeply appreciated and recognized by his professional peers and by all citizens of Clay County who desire that his contributions to their schools be acknowledged in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his long and distinguished tenure with the Clay County Public Schools, we hereby name the gymnasium at Clay County High School in Ashland, Alabama, the "Leonard Brooks Gymnasium."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said facility as the "Leonard Brooks Gymnasium."

RESOLVED FURTHER, That Mr. Brooks be provided with a copy of this resolution as a memento of this honorary designation by the Alabama Legislature.

Approved January 27, 1987

Time: 9:34 A.M.

Act No. 87-17 S.J.R. 14—Senator Dial

SENATE JOINT RESOLUTION

NAMING THE GYMNASIUM AT LINEVILLE HIGH SCHOOL IN LINEVILLE, CLAY COUNTY, ALABAMA, THE "EMYL GRIFFIN GYMNASIUM."

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Emyl Griffin of Lineville to the public schools of Clay County, Alabama; and

WHEREAS, during his tenure of 24 years as a member and chairman of the Clay County Board of Education, Mr. Griffin served tirelessly and with utmost dedication, providing vigorous administrative leadership to all schools within the county system; and

WHEREAS, Mr. Griffin, always an exemplary and active proponent of a quality program of education for the children and youth of his county, is held in highest regard by his peers, and his numerous contributions for the past 24 years are deeply appreciated by all citizens of Clay County; and

WHEREAS, it is the desire of this body that the commendable service rendered by Emyl Griffin to the public schools of Clay County, Alabama, be publicly acknowledged and that such recognition serve as a lasting tribute to his long and distinguished tenure with the Clay County Board of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name the gymnasium at Lineville High School, Clay County, Alabama, in honor of Emyl Griffin and direct that appropriate signs and markers be erected and maintained designating said gymnasium as the "Emyl Griffin Gymnasium."

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Griffin as a memento of this honorary designation of the Alabama Legislature.

Approved January 27, 1987

Time: 9:34 A.M.

Act No. 87-18 S.J.R. 33—Senators Langford, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Coleman, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Manley, Menton, Parsons,

Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING HARRY BAILEY, HAROLD COACHMAN, ERNEST FLOWERS, RONNIE LEE AND ROBERT WATKINS.

WHEREAS, it is with highest honor and esteem that the Alabama Legislature commends Harry Bailey, Harold Coachman, Ernest Flowers, Ronnie Lee and Robert Watkins of Montgomery, Alabama, for their outstanding deeds of great courage and heroism on January 14, 1987; and

WHEREAS, following the crash of a U. S. Air Force jet, on a practice approach to Montgomery's municipal airport, Messrs. Bailey, Coachman, Flowers, Lee and Watkins were among the first bystanders to reach the burning plane; and

WHEREAS, these courageous men, even at grave risk of their own lives and safety, quickly pulled Lieutenant William Edward Kelley from the burning wreckage, thereby saving his life; and

WHEREAS, rescuers, however, despite desperate attempts, were unable to reach two other crewmen and watched helplessly as the plane became totally engulfed in flames; and

WHEREAS, these men indeed are paragons of great courage and are further to be honored for their willingness to risk their own lives that others might live; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary heroism, we hereby commend Harry Bailey, Harold Coachman, Ernest Flowers, Ronnie Lee and Robert Watkins, of Montgomery, Alabama, whom we hold in highest regard and to whom copies of this resolution shall be presented.

Approved January 27, 1987

Time: 9:35 A.M.

Act No. 87-19 S.J.R. 18—Senator deGraffenried

SENATE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, during which the committee shall exist. Provided however, on weekdays upon which a meeting is scheduled, members must attend said meeting in order to be paid. Provided further, the co-chairmen and vice chairmen and deputy vice chairmen shall be entitled to, and shall receive the same daily legislative compensation, expense allowance, per diem and other compensation which they receive while in legislative session. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation and four additional members of the Senate to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and seven additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

"The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

"All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate

fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

"BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1990."

Approved January 27, 1987

Time: 9:35 A.M.

Act No. 87-20 S.J.R. 10—Senator Coleman

SENATE JOINT RESOLUTION

COMMENDING THOMAS EUCLID RAINS, JR., FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the numerous and notable accomplishments of Thomas Euclid Rains, Jr., of Geraldine, Alabama; and

WHEREAS, the son of Representative and Mrs. Euclid Rains, Tommy Rains is an active Air Force reservist and is a senior at Jacksonville State University where he is majoring in secondary education; and

WHEREAS, he further is active in the Student Government Association at JSU, serving as an SGA senator, and works as a dormitory resident assistant in Crowe Hall; and

WHEREAS, Tommy Rains was recently chosen as an outstanding Young Man of America for 1986, a prestigious award that is selectively granted in recognition of outstanding achievement, superior leadership ability and exceptional community service, and is an honor that is bestowed upon less than two percent of all eligible young Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Thomas Euclid Rains, Jr., of Geraldine, Alabama, and extend sincere best wishes for his every continuing success in life.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Thomas Euclid Rains, Jr., in token of our highest regard, and that a copy also be provided for his parents with whom

we share personal pride in Tommy's many high honors and awards of great distinction.

Approved January 27, 1987

Time: 9:36 A. M.

Act No. 87-21 S.J.R. 9—Senator Corbett

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF BOBBY JOE FAULK OF PHENIX CITY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Bobby Joe (Bob) Faulk of Phenix City, Alabama, on August 27, 1986, at the age of just 46 years; and

WHEREAS, a native of Huntsville, Madison County, Alabama, and a graduate of Austin Peay College where he played football, Bob Faulk also was a 1971 graduate of the University of Alabama School of Law; in the interim between acquisition of his undergraduate and law degrees, Mr. Faulk was first employed by Thiekol Chemical Corporation and later by Boeing Aircraft Company where he was the youngest supervisor ever, at that time, to be employed by Boeing; and

WHEREAS, Mr. Faulk enjoyed a distinguished legal career, serving as Assistant District Attorney of the Twenty-Sixth Judicial Circuit in Phenix City, Russell County, Alabama, in 1971-72 and in the private practice of law from 1973 until the time of his death; and

WHEREAS, Bob Faulk's numerous professional affiliations included the American Bar Association; East Alabama Trial Lawyer Association of which he was a founding member; the Alabama Trial Lawyers Association and its board of directors; the Executive Committee for Bar Commissioners; and the Board of Bar Commissioners for the Alabama State Bar (1980-83); and

WHEREAS, he further was a member of the American Field Services, an Exchange Student sponsor, and was a member and chairman of the Judicial/Jail Complex Committee which studied the needs of the Russell County Courthouse that is now being renovated in keeping with the findings and recommendations of said committee; and

WHEREAS, Mr. Faulk additionally served the Phenix City Community through involvement in numerous charitable and civic activities, and as a member of St. Thomas Episcopal Church where he was chairman of the Building Committee and Chief Warden; and

WHEREAS, the death of Bob Faulk has indeed left a deep void in the life of his community and his loss is yet inconsolable to his beloved family, professional peers, the legal community and to his many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Bobby Joe (Bob) Faulk of Phenix City, Alabama, and extend deepest sympathy to his wife and daughter, Karen and Leslye Faulk; to his father, William T. Faulk; and to other family members whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved: January 27, 1987

Time: 9:36 A.M.

Act No. 87-22 S.J.R. 8—Senator Foshee

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF SOLON DIXON OF ANDALUSIA, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Solon Dixon of Andalusia, Alabama, on January 10, 1987, at the age of 84 years; and

WHEREAS, a native of Andalusia, Mr. Dixon was the great-great-grandson of Jeremiah Dixon, English astronomer and surveyor of the Mason-Dixon line in the 1700s; Solon Dixon attended Lyman Ward Academy in Camp Hill, Alabama, and was a 1926 graduate of Auburn University where he taught engineering from 1928 to 1934; and

WHEREAS, Mr. Dixon, a prominent Andalusia lumberman, also was one of Alabama's most generous benefactors to both Auburn University and Lurleen B. Wallace Junior College in Andalusia; and

WHEREAS, the Solon Dixon Forestry Center, which he founded, is an affiliate of Auburn University's School of Forestry and is located on 5,000 acres of land near Andalusia, providing University forestry students with hands-on experience at the end of their freshman year; and

WHEREAS, the performing arts center, built in 1981 at Lurleen B. Wallace Junior College, also was funded by Mr. Dixon and his wife, Martha; and

WHEREAS, Solon Dixon of Andalusia was indeed a distinguished philanthropist of incomparable generosity who shared the harvest of his success throughout his lifetime; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks to God for the gift of Solon Dixon's life, and extend deepest sympathy to his beloved wife, Martha, and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved January 27, 1987

Time: 9:36 A.M.

Act No. 87-23 S.J.R. 7—Senators Dixon, Langford and Corbett

SENATE JOINT RESOLUTION

COMMENDING THE CITIZENS OF MONTGOMERY ON THEIR INITIATION AND SUPPORT OF PROJECT SAFE PLACE.

WHEREAS, in consensus of highest commendation the Alabama Legislature notes the initiation of Project Safe Place in Alabama's Capital City; and

WHEREAS, as a program designed to aid young people in crises, or at risk of being in crises, Project Safe Place provides assistance to runaways and to abused or neglected children; and

WHEREAS, it is further to be noted that Montgomery became the fifth city in the nation to sponsor Project Safe Place, and the first site to be designated as a haven for those in time of great need was the Governor's Mansion on South Perry Street, the first and only chief executive mansion in the United States to be so designated; and

WHEREAS, the citizens of Montgomery are indeed deserving of highest praise for their introduction and wholehearted support of Project Safe Place in their city; and

WHEREAS, also to be commended for their vision and foresight, and for their instrumental roles in the implementation and continuing

support of Project Safe Place, are such dedicated individuals as: Linda Shultz, Children's Services Advocacy Liaison for the Department of Mental Health; George Holy, Director of Group Homes for Children of Montgomery; and Martha Nachman, who serves as Director of Project Safe Place; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the citizens of Montgomery, Alabama, and those individuals as hereinabove named for the introduction and operation of Project Safe Place.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Linda Shultz, George Holy and Martha Nachman, and for appropriate display at Project Safe Place offices in Montgomery.

Approved January 27, 1987

Time: 9:36 A. M.

Act No. 87-24 S.J.R. 6—Senators Dixon and Langford

SENATE JOINT RESOLUTION

CONGRATULATING ROBERT E. LEE HIGH SCHOOL OF MONTGOMERY, ALABAMA, AS OUR STATE 6A FOOTBALL CHAMPIONS.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama extends heartiest congratulations to Montgomery's Robert E. Lee High School Generals on their 1986 Class 6A State Football Championship which is the eighth State Title for their school; and

WHEREAS, with a perfect 10-0 record in regular season play, the Generals marched through four rounds of the play-offs, defeating Selma, Carver of Montgomery, Opelika and Mobile's Vigor High—38-14, 21-0, 13-2 and 26-14, respectively; and

WHEREAS, Coach Spence McCracken's powerhouse then downed Jess Lanier of Bessemer, 13-7, to claim the State Title and the glory, both for Robert E. Lee and for the Generals' many faithful fans and boosters; and

WHEREAS, it is further to be noted, with highest commendation, that Lee's fifteen victories are the most wins ever in the State of Alabama by a Class 6A team; the Generals also posted 481 points

for the season while holding their formidable opponents to a total of 126—an average of 32 to 8 points per game; and

WHEREAS, commendations also are in order for Head Coach McCracken's talented assistants: Coaches Jim Tuley, Jim Perry, Jim Arrington, Clay Jordan, Lorenzo Harrison, Jackie Reynolds, Mike Wilson, Sonny Vandevender, Robert Hudson and Don Griffen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Robert E. Lee High School Generals, Class 6A State Football Champions for 1986.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach McCracken, on behalf of his 1986 Champions, and that additional copies be presented to Principal Fred Guy for appropriate presentation and display at Robert E. Lee High School in Montgomery, Alabama.

Approved January 27, 1987

Time: 9:36 A. M.

Act No. 87-25 H.J.R. 51—Rep. White (L)

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JAKE M. HENDERSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, October 17, 1986, of Mr. and Mrs. Jake M. Henderson of Alexander City; and

WHEREAS, in the sight of God, Jacob M. and Sara Lucy Allen Henderson were joined in wedlock on October 17, 1936, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows; and

WHEREAS, as an exemplary couple and faithful members of the First Baptist Church, Mr. Henderson also is a member of the Lions Club and the Chamber of Commerce, while Mrs. Henderson is involved in a number of community activities; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Henderson were honored by their children, Jacob and Martha, and by their five grandchildren at a gala reception on the anniversary date of their marriage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating their exemplary couple of Alexander City, Alabama, Mr. and Mrs. Jake M. Henderson, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Henderson that they may know of our congratulations and warm best wishes for the future.

Approved January 27, 1987

Time: 9:36 A.M.

Act No. 87-26 H.J.R. 47—Reps. Marietta, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren,

White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JOSEPH RAYMOND CROSBY, III, ON THE BIRTHS OF THEIR NEW SON AND DAUGHTER.

WHEREAS, it is with great delight and pleasure that the Legislature of Alabama congratulates Sandra and Ray Crosby of Montgomery, Alabama, on the births of Joseph Raymond Crosby, IV, and Sarah Ann Crosby on January 8, 1987; and

WHEREAS, a fine baby boy, Joseph Raymond weighed six pounds two ounces at birth, arriving at 12:44 p.m. and just two minutes ahead of his tiny baby sister, Sarah Ann, a beautiful and petite four pounds seven ounces; and

WHEREAS, we are indeed happy for Sandy and Ray in their new state of parenthood and sincerely wish that the happiness they now enjoy increases with every passing year as the twins continue to "double their pleasure" throughout life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Mr. and Mrs. Joseph Raymond Crosby, III, on the births of Joseph Raymond and Sarah Ann on January 8, 1987.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Sandy and Ray with copies also provided for their children that they may later know of the happiness we shared with their parents on the occasion of their births.

Approved January 27, 1987

Time: 9:36 A.M.

Act No. 87-27 H.J.R. 32—Rep. Campbell

HOUSE JOINT RESOLUTION

BINDING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1987.

Approved January 27, 1987

Time: 9:37 A.M.

Act No. 87-28 H.J.R. 35—Rep. Campbell

HOUSE JOINT RESOLUTION

ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1987.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

JOINT RULES
OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA
1987

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number,

year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example:) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8 1/2″ by 14″ paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills, however, effective in January 1984, drafts of all local legislation bills

which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. _____ is attached).

(Example: Amend H.B./S.B. _____ as follows:)

_____

Name

_____

Name

_____

Name

CONFEREES OF THE HOUSE

_____

Name

_____

Name

_____

Name

CONFEREES OF THE SENATE

RULES RELATING TO LOBBYING

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. Rules Committee Advisory Opinions. A Lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

Approved January 27, 1987

Time: 9:37 A.M.

Act No. 87-29 H.J.R. 34—Rep. Campbell

HOUSE JOINT RESOLUTION

INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 12:00 Noon, on Tuesday, January 20, 1987, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the

Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 27, 1987

Time: 9:37 A.M.

Act No. 87-30 H.J.R. 37—Rep. Grouby

HOUSE JOINT RESOLUTION

COMMENDING SHON LEE, JAY MCAFEE AND CHIP POWELL.

WHEREAS, the Legislature of Alabama notes with commendation the outstanding accomplishments of Shon Lee, Jay McAfee and Chip Powell who represent their hometown of Prattville on the varsity football teams of the University of Alabama, Livingston University and Auburn University, respectively; and

WHEREAS, all three young men, who graduated from high school in the same year, have made outstanding contributions to their teams and, through their achievements, have brought great honor to their former schools, to their families and to the City of Prattville; and

WHEREAS, it is further to be noted that Shon, Jay and Chip are to be honored at an appreciation banquet sponsored by the Fellowship of Christian Athletes in recognition of their individual accomplishments and in gratitude for their distinguished representation of their hometown of Prattville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the Fellowship of Christian Athletes Downtowners Club and all citizens of Prattville, Alabama, in most highly commending Shon Lee of the University of Alabama, Jay McAfee of Livingston University and Chip Powell of Auburn University, whom we hold in highest regard and for whom copies of this resolution shall be provided.

Approved January 27, 1987

Time: 9:37 A.M.

Act No. 87-31 H.J.R. 39—Reps. Ford, Junkins and Bugg

HOUSE JOINT RESOLUTION

CONGRATULATING THE LITCHFIELD HIGH SCHOOL EAGLES AS OUR CLASS 4A STATE FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama in highest commendation, congratulates the Litchfield High School Eagles on their capture of the 1986 Class 4A State Football Championship; and

WHEREAS, under the leadership of Michael Shipp, in his third year as Litchfield's Head Coach, and Assistant Coaches Virgil Holder, David Croft, Tom McDowell and B. B. Lyons, the mighty Eagles soared to a 13-2 season record, claiming the State Title with a stunning victory over Brewton's T. R. Miller High School in the championship game; and

WHEREAS, Coach Shipp and his entire staff are indeed deserving of highest praise on such an outstanding record, as is each and every member of the team whose determination, dedicated efforts and will-to-win resulted in the glory of a State Championship for their school and for their many fans throughout Gadsden and all of Etowah County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Litchfield High School on the 1986 Class 4A State Football Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Shipp, on behalf of his staff and team, and to Principal Richard Williams and Superintendent Fred Taylor for appropriate display at Litchfield High School.

Approved January 27, 1987

Time: 9:37 A.M.

ALABAMA LAWS
and Joint Resolutions
REGULAR SESSION, 1987

Act No. 87-32 H.J.R. 6—Rep. Williams

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION TO MS. SALLY ANN SUTTON, MR. DAN STEVENS AND THE MIDLAND DOWNTOWN BUSINESSMEN'S ASSOCIATION OF MIDLAND, MICHIGAN.

WHEREAS, it is the desire of the people of Midland City, Alabama to express appreciation in the highest possible degree to those special citizens of the great city of Midland in the great state of Michigan who dedicated themselves to unselfish services to farmers in Midland City, Alabama, and

WHEREAS, by early summer in 1986, the extreme drought conditions in Alabama had reached the point of serious damage to grazing and forage crops at a time when operational economics prohibited farmers from purchasing the large quantities of forage necessary to save the bulk of their livestock, and

WHEREAS, farmers from seventeen states responded to the needs of their fellow farmers in Alabama with contributions of large quantities of roughage, cash and other products in their time of great need, and

WHEREAS, certain individuals, Ms. Sally Ann Sutton, Mr. Dan Stevens and the Midland Downtown Businessmen's Association of Midland, Michigan went beyond the role of good neighbor in the donation of hay and cash to drought stricken farmers in Midland City, Alabama, and

WHEREAS, these donations were instrumental in helping these farmers avoid sellout or excessive culling of their livestock and made it possible for them to hold onto their basic herds, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our highest appreciation to Ms. Sally Ann Sutton, Mr. Dan Stevens and the Midland Downtown Businessmen's Association of Midland, Michigan for their unselfish response to the plight of

Midland City, Alabama farmers in their donations of labor, hay and cash during the 1986 drought.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-33 H.J.R. 7—Reps. Penry and McMillan

HOUSE JOINT RESOLUTION

NOTING, WITH COMMENDATION, THE 50TH ANNIVERSARY OBSERVANCE OF THE BALDWIN COUNTY ELECTRIC MEMBERSHIP CORPORATION.

WHEREAS, on April 22, 1937, five prominent Baldwin County residents met and formed the Baldwin County Electric Membership Corporation and shortly thereafter, with a loan in the amount of $200,000, began plant construction; and

WHEREAS, on December 9, 1938, a second loan was secured, enabling the corporation to extend its original 211 miles of line, serving 700 customers, to 292 miles serving 1,057 subscribers; and

WHEREAS, during the past fifty years of service to its consumers, the Baldwin County Electric Membership Corporation has experienced tremendous growth and progress; its plant now is valued at more than $30 million; the number of employees has grown from an original four or five to 81; and 2,167 miles of line were serving 24,511 consumers as of January of this year; and

WHEREAS, Baldwin County Electric Membership Corporation, which used Riviera Utilities, Inc., of Foley, Alabama, as its original source of power, has indeed well served thousands of Baldwin County residents through the years and its outstanding success is the result of the great foresight, ingenuity and resourcefulness of the corporation's founders and original board of trustees: Chairman of the Board, Mr. Frank Earle; Secretary, Mr. P. A. Bryant; and Messrs. Alton Hawkins, Frank Hoffman and Tom Steele, Jr., now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in celebration of the 50th Anniversary of the founding of the Baldwin County Electric Membership Corporation, and in posthumous honor of the corporation's five founding fathers.

BE IT FURTHER RESOLVED, That copies of this resolution of commendation be provided for appropriate presentation on the

occasion of the Baldwin County Electric Membership Corporation's 50th Anniversary observance.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-34 H.J.R. 8—Reps. Penry and Turner

HOUSE JOINT RESOLUTION

CONGRATULATING MR. CECIL BOOTHE OF FAIRHOPE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to Mr. Cecil Boothe of Fairhope, Alabama, on the occasion of his 90th birthday, January 31, 1987; and

WHEREAS, Mr. Boothe was born January 31, 1897, to Eli and Hester Ann Miller Boothe of Citronelle, Alabama, where he resided for 75 years; he is a United States Army Veteran of World War I and was stationed at Fort Morgan in defense of our nation's Gulf Coast; and

WHEREAS, also a former WPA supervisor in Mobile and a lifelong Alabama farmer, Mr. Boothe retired as a warehouse supervisor, U. S. Civil Service, at Brookley Field; and

WHEREAS, Cecil Boothe is the father of four daughters and of two sons, both of whom are retired United States Air Force Noncommissioned Officers; he also is richly blessed with 19 grandchildren and 21 great-grandchildren; and

WHEREAS, we further note, with commendation, that Mr. Boothe is a lifetime member of the Foley American Legion, and is a member of the Alabama Voter Hall of Fame, an honor bestowed in recognition of his continuous participation in helping to select Alabama's leadership during this century; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating Mr. Cecil Boothe of Fairhope, Alabama, on his 90th birthday, January 31, 1987; we further honor Mr. Boothe as a devoted father, grandfather and great-grandfather, and as a distinguished soldier, civil servant and farmer who has contributed greatly to the betterment of the State of Alabama and to all citizens thereof.

BE IT FURTHER RESOLVED, That in token of our highest regard, a copy of this resolution shall be forwarded to Mr. Boothe.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-35 H.J.R. 9—Rep. White (L)

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND THOMAS ROBERT FULTON, FORMER INTERIM PASTOR OF FIRST PRESBYTERIAN CHURCH, ALEXANDER CITY, ALABAMA.

WHEREAS, Dr. T. Robert Fulton, a native of Danville, Virginia, is a graduate of Hampden-Sydney College and of Union Theological Seminary; and

WHEREAS, he further was awarded advanced degrees from the University of South Carolina and Southern Lutheran Seminary; earned the Doctorate of Divinity degree from Southwestern at Memphis, now Rhodes College; and has completed additional graduate studies at Princeton Theological Seminary; and

WHEREAS, Dr. Fulton, who has held pastorates in Virginia, South Carolina, Mississippi, Florida and Alabama, also has served throughout his ministry in leadership positions of the General Assembly and of the various Synods and Presbyteries; and

WHEREAS, he additionally has provided civic leadership in the many communities in which he has lived, assisting in local civic and cultural activities, and is a former Chaplain of the State Senate of South Carolina; and

WHEREAS, Dr. Fulton recently completed an interim pastorship at the First Presbyterian Church of Alexander City, Alabama, and during his brief, but fruitful tenure, served in full and active capacity, providing strong leadership in all areas of church life while ministering to the collective and individual needs of his congregation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dr. Thomas Robert Fulton on his distinguished career in the ministry; we also express appreciation for his dedicated service to

the First Presbyterian Church of Alexander City, Alabama, and direct that he receive a copy of this resolution of highest regard.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-36 H.J.R. 10—Rep. White (L)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF UPSHAW GRIFFIN JONES OF WETUMPKA, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Upshaw Griffin Jones of Wetumpka, Alabama, on January 3, 1987, at the age of 85 years; and

WHEREAS, a native of Tallapoosa County, but a resident of Elmore County for the past 57 years, Mr. Jones was a former educator who taught in the public schools of Tallapoosa, Coosa and Elmore Counties; and

WHEREAS, he then attended Jones Law School in Montgomery and, following acquisition of his degree, became engaged in the private practice of law in Wetumpka, and served his profession with great distinction for some 35 years before retiring in 1970; and

WHEREAS, during that time, Mr. Jones also served by appointment as County Solicitor of Elmore County for 23 years and as a State Senator, representing Elmore and Tallapoosa Counties, from 1958 to 1962; and

WHEREAS, further, Mr. Jones was involved in numerous community endeavors through the years, but was most particularly active in the affairs of the First Baptist Church of Wetumpka and the J. E. Morris Sunday School Class; and

WHEREAS, the death of Upshaw Griffin Jones has indeed left a deep void in the life of the community and in the hearts of all those privileged to know him as a beloved husband and father, as an outstanding citizen, as an astute student of the law and as a true and loyal friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Upshaw Griffin Jones of Wetumpka, Alabama, and extend deepest sympathy to his wife, Mrs. Thea C. Jones; son,

Wilbur D. Jones; daughters, Helen J. Eirich and Norma J. Bringmann; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-37 H.J.R. 11—Rep. Wright

HOUSE JOINT RESOLUTION

CONGRATULATING COACH BERRY HALLADAY, HIS COACHING STAFF AND THE MINOR HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

WHEREAS, in highest commendation, the Alabama Legislature extends congratulations to Coach Berry Halladay and his Minor High School Tigers on their outstanding 1986 football season and the team's advancement to the semifinals of the Class 6A State Football Play-offs; and

WHEREAS, under the skillful leadership of Coach Halladay and his staff, the Minor High School Tigers posted a phenomenal 10-4 overall record, putting a total of 289 points on the board while holding their opponents to just 173 points for the season; and

WHEREAS, in their school's third consecutive year of participation in State competition, the Tigers also shut out Albertville (20-0) and beat Parker High (14-7) and J. O. Johnson (18-15) before losing to Jess Lanier in the State Semifinals; and

WHEREAS, this outstanding record does indeed reflect the true dedication and will-to-win performance of the Minor High School Tigers, and they are to be congratulated on the many accomplishments of their '86 season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Berry Halladay, his assistant coaches and the Minor High School Tigers on their outstanding football season, and direct that a copy of this resolution be presented to Coach Halladay on behalf of his team, and that a copy also be provided for appropriate school display.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-38 H.J.R. 13—Rep. Turner

HOUSE JOINT RESOLUTION

CONGRATULATING THE VARSITY CHEERLEADERS OF MARY G. MONTGOMERY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama expresses highest commendation of the Mary G. Montgomery High School varsity cheerleaders for their participation and high ranking in the Eastern Cheerleader Championships held in Williamsburg, Virginia, on March 21 and 22, 1987; and

WHEREAS, accompanied by Sponsor Patricia Goff, the Montgomery High cheerleaders, in competition with 38 other division teams, placed third among the top ten varsity squads vying for the championship; and

WHEREAS, sharing the credit and glory for this outstanding accomplishment were: All-American Cheerleaders Diana Lavender, Stacy Turner and Leanne Wilson, along with their teammates Lisa Williams (captain), Tammy Coley, Ashley Gregg, Julie Godfrey, Wendy McCarley, Leslie Fuller and Candy Dees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we hereby most heartily congratulate the sponsor and members of the Mary G. Montgomery High School Cheerleader Team, and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-39 H.J.R. 14—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING KEVIN TURNER OF CHUNCHULA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the numerous and notable accomplishments of Kevin Turner, Chunchula, Alabama, in 4-H and FFA participation; and

WHEREAS, Kevin Turner, who served as a Future Farmers of America officer for four consecutive years (1981-1984), is the recipient of the 1985 DeKalb Award and, also in 1985, was awarded both the Jerris Boothe and Farm Bureau Scholarships; and

WHEREAS, Kevin further served for four years on the Livestock Judging Team at local, county, district and national levels, and has won numerous state level awards in Beef Production and in Home and Farmstead Improvement; he placed 1st in the Southern Region in Home and Farmstead Improvement (1985) and was the national winner in that category at the 1985 convention in Kansas City, Missouri; and

WHEREAS, in 4-H activities, Kevin Turner has served as both vice president and president, and was 4-H Junior Leader for four years; he is the recipient of the 1982 4-H Herdsman Award, and the 1984 State 4-H Beef Production winner; and

WHEREAS, Kevin Turner has participated, additionally, in livestock show competitions in Alabama, Mississippi and Florida, winning numerous plaques, ribbons and trophies, including awards for a grand champion steer, four grand champion bulls and five grand champion heifers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Kevin Turner of Chunchula, Alabama, and direct that he receive a copy of this resolution, which we execute in sentiment of sincere praise and esteem.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-40 H.J.R. 15—Rep. Black

HOUSE JOINT RESOLUTION

COMMENDING THE LIVINGSTON HIGH SCHOOL LADY COUGARS ON THEIR 1987 STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama notes with highest commendation the 1987 State Basketball Championship captured by the Lady Cougars of Livingston High School; and

WHEREAS, qualifying for the State Play-offs as runners-up to the Area 7 Title, the Livingston ladies defeated Bauregard High to

advance to the semifinals, winning 53-48 over West Point of Cullman; a 61-57 victory over Keith, in the title match, gave the Lady Cougars the crown and the first state championship for Head Coach Lowery Gayles; and

WHEREAS, led to the Title by Coach Gayles and Assistant Coach David Parham, with Maria Holder and Coretta Bibb serving as trainers, were starting players Brigitte Doty, Geneva Grant, Darlene Jenkins, Cynthia King and tournament MVP Julia Bell, along with teammates Sandra Bias, Margaret Grant, Coretta Jones, Camille Nelson and Doris Washington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both congratulate and commend Coach Lowery Gayles, his entire staff and the Livingston High School Lady Cougars on their 1987 State Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Gayles and the team, with a copy also provided for appropriate display at Livingston High School.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-41 H.J.R. 16—Rep. Black

HOUSE JOINT RESOLUTION

COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS, CLASS 4A STATE BASKETBALL CHAMPIONS.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates the Livingston High School Cougars and retiring Head Coach Nelson Hughes on their Class 4A State Basketball Championship for 1987; and

WHEREAS, under the leadership and direction of Coach Hughes and Assistant Coach Glen Jones, the Livingston Cougars followed their outstanding regular season with a clean sweep of the State Play-offs, defeating Alexandria High School 81-71 to claim the Title; and

WHEREAS, for Coach Hughes, who will retire with a fantastic record of 621 victories during a period of 28 years, it was his first State Championship and the crowning glory of his career; and

WHEREAS, the 1987 Cougar Champions, each of whom greatly contributed to their team's 4A Title, are: Don Washington, Robert

Jones, Vincent Jones, All-tournament Tyrone Arrington, tournament MVP Marcus Campbell, Robert Thomas, Ben Hudson, Michael Maye, Godfrey Ware, Rod Jenkins, Earlie Campbell, Larry Tolliver, Dwayne Travis and Clifford Long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Nelson Hughes, his entire staff, and the Livingston High School Cougars on their 1987 Class 4A State Basketball Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Hughes and the team, with a copy also provided for appropriate display at Livingston High School.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-42 H.J.R. 17—Rep. Hammett

HOUSE JOINT RESOLUTION

DESIGNATING THE ALABAMA PECAN FESTIVAL AS ALABAMA'S OFFICIAL STATE PECAN FESTIVAL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the Alabama Pecan Festival, sponsored by Covington County Special Children's Group, Inc., and to be held in Andalusia, Covington County, Alabama, during the first two weeks of November 1987 and during the first two weeks of each November thereafter, as Alabama's official state pecan festival.

BE IT FURTHER RESOLVED, That official activities of said Alabama Pecan Festival shall include both the Miss Alabama Pecan Festival and the Little Miss Alabama Pecan Festival pageants.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-43 H.J.R. 18—Reps. Starkey, Coburn, Goodwin and Hamilton

HOUSE JOINT RESOLUTION

COMMENDING NICHOLAS R. CRISLER OF FLORENCE, ALABAMA.

WHEREAS, the Alabama House of Representatives notes with commendation the longtime career of Nicholas R. Crisler of Florence, Alabama, an employee of Occidental Chemical Corporation whose April 1987 retirement as plant manager comes in the 33rd year of his distinguished tenure with said corporation; and

WHEREAS, in addition, however, to the weighty responsibilities of his position with OCC, Nicholas Crisler also has distinguished himself as a prominent civic and community leader in the Shoals Area of our state as reflected in his 1983 selection as Shoals Area Citizen of the Year; and

WHEREAS, Mr. Crisler's many activities include service as a director of the Florence-Lauderdale Area and the Greater Shoals Area Chambers of Commerce and he is a director and president-elect of the Chamber of Commerce of the Shoals Area; and

WHEREAS, he further is involved as a member, officer, or in other leadership capacity with such worthy organizations and agencies as Boy Scouts of America, Business Council of Alabama, Florence Rotary Club, Committee for the Employment of the Handicapped, Alabama Waterways Development Agency, American Red Cross, Florence Civil Service Board, Helen Keller-Lions Eye and Temporal Bone Bank, Tennessee Valley Industrial Committee, Junior Achievement and the Tennessee River Valley Association; and

WHEREAS, Nicholas Crisler is indeed an outstanding exemplar of good citizenship and the people of his community and the State of Alabama are deeply indebted and grateful for his service and accomplishments on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to Occidental Chemical Corporation and to the community, we hereby commend Nicholas R. "Nick" Crisler, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-44

H.J.R. 52—Reps. Burke, Laird, Butler, Junkins, Campbell, Hettinger, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling,

Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE AND MRS. RICHARD LINDSEY ON THE BIRTH OF A SON.

WHEREAS, it is with great delight and pleasure that the Legislature of Alabama congratulates Representative and Mrs. Richard Lindsey on the birth of a fine son, Richard Joe Lindsey, Jr., on February 27, 1987; and

WHEREAS, Richard Joe, who weighed seven pounds and seven ounces at birth, is the Lindsey's first child and we are indeed happy

for both Johnna and Richard in their new state of parenthood; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate our good friends, Richard and Johnna Lindsey, on the birth of Richard Joe Lindsey, Jr., February 27, 1987, and know that the happiness they now enjoy will greatly increase with every passing year.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. and Mrs. Lindsey and that a copy also be provided for Richard Joe, Jr., that he may later know of the happiness we shared with his parents on the occasion of his birth.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-45 H.J.R. 53—Reps. Burke and Rains

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FREDERICK WESLEY LAWLESS OF RAINSVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Dr. Frederick Wesley Lawless of Rainsville, Alabama, on March 5, 1987, as a result of complications from injuries sustained in an accident on February 10; and

WHEREAS, Dr. Lawless, who had served the town of Geraldine as a physician for more than six years at the time of his death, had stopped on the evening of February 10 to aid a stranded motorist and, while at the scene, was severely injured; and

WHEREAS, a former member of the United States Air Force, Dr. Lawless received an early release from the military to become Geraldine's first physician in 30 years and to staff the newly opened community medical center; and

WHEREAS, in addition to providing the citizens of Geraldine with patient care of the highest quality, Dr. Lawless also became actively involved in civic and community affairs and served as physician for the Geraldine High School football team among numerous other activities; and

WHEREAS, in the tragic and untimely death of Frederick Wesley Lawless, the Town of Geraldine has indeed suffered an inconsolable

loss and his family, patients and friends are sorely bereft in grief; and

WHEREAS, but even as a mourn, we give thanks for the life of Dr. Fred Lawless who died as he lived—in service to his fellow man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Frederick Wesley Lawless of Rainsville, Alabama, and extend deepest sympathy to his wife, Jody Lawless, his two daughters and six sons, and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-46 H.J.R. 59—Reps. Hamilton and Starkey

HOUSE JOINT RESOLUTION

CONGRATULATING COACH LARRY SINYARD AND THE LAUDERDALE COUNTY HIGH SCHOOL LADY TIGERS, AS OUR STATE 3A BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature, in commendation and esteem, most heartily congratulates Coach Larry Sinyard and the Lauderdale County High School Lady Tigers on the 1987 State 3A Basketball Championship; and

WHEREAS, under Coach Sinyard's talented direction and leadership, the Lady Tigers posted a phenomenal 26-2 record, overall, including the Christmas Tournament Title and both the County and Area Championships; and

WHEREAS, following Substate competition and consecutive victories over Elkmont (68-54), Tanner (66-48) and Plainview (59-50), Coach Sinyard's ladies beat Pleasant Valley (73-44) in the State Semifinals and, by virtue of their solid 55-42 defeat of Phil Campbell in the Title match, claimed the Championship and 3A Crown for Lauderdale County High; and

WHEREAS, greatly contributing to such an outstanding season were Lady Tigers Michelle Prince, who was named State Tournament MVP and Press All-State MVP; All-State Laina McConnell; and teammates Dana Moore, Stacey Howard, Tracey Howard, Sherri Cox,

Carla McConnell, Buffy Thompson, Christy Green, Crystal Pride, Kristy Romine, Lydia Nesmith, Stephanie White, Paula Goodman and Monica Patterson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Lauderdale County High School Lady Tigers on their 1987 State 3A Basketball Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Coach Larry Sinyard and to Principal James C. Johnson for appropriate presentation and display at Lauderdale County High School.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-47 H.J.R. 61—Rep. Parker

HOUSE JOINT RESOLUTION

COMMENDING LEONIEKE VAN DER HORST FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, Leonieke Van der Horst, of Mijdrecht, The Netherlands, and a graduate of Alkwinkollege Uithoorn, currently resides in Decatur, Alabama, and is attending Decatur High School; and

WHEREAS, Leonieke, who is an excellent student, is especially fond of languages and, in addition to her native Dutch, is fluent in German, French, Spanish and English; and

WHEREAS, in her studies at Decatur High School, Miss Van der Horst has indeed excelled and her accomplishments are highly regarded by her teachers, fellow students, and by the R. J. McEntires, her host family in Decatur; and

WHEREAS, Leonieke, though disciplined in her studies, also works during weekends at a local flower shop, and enjoys "working out" at the gymnasium; she further is an accomplished cellist, a lover of sports, field hockey particularly, and she is a young lady of great enthusiasm for life and all its opportunities; and

WHEREAS, we are truly pleased that Miss Van der Horst has elected to visit the United States and are honored by her residency in Alabama and the City of Decatur; and

WHEREAS, we also wish her every future success on her return to Holland in June and in the resumption of her studies in Public

Relations and Tourism at Interkollege in The Hague, Netherlands; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Leonieke Van der Horst for outstanding achievement and most warmly congratulate her on the successful completion of her studies at Decatur High School; we further bestow upon Miss Van der Horst Honorary Citizenship of the State of Alabama and direct that she receive a copy of this resolution which is executed in honor and esteem.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-48 H.J.R. 62—Rep. Payne

HOUSE JOINT RESOLUTION

CONGRATULATING COACH JACK WOOD AND THE HEWITT-TRUSSVILLE HIGH SCHOOL HUSKIES ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Head Coach Jack Wood and his Hewitt-Trussville High School Huskies on their outstanding 1986 football season; and

WHEREAS, Hewitt-Trussville, in regular season play, posted a phenomenal 9-1 record with a 9-game winning streak; it was the Huskies' best record in over 25 years as they defeated five Play-off teams, beat four of four county teams, posted three shutouts, and finished in the Top-10 final 6-A poll; and

WHEREAS, leading the Huskies to this outstanding season and the first round of the 6-A State Play-offs were Coach Wood, Assistant Coaches Philip Baker, Toney Pugh, Mike Sanders, Joe Sicola, Billy Morrison and Barry Ryan, Student Coach Alan Clayton, Managers John Childs, Travis Bayles and Steve Castleberry, and Trainer Gary Holloway; John Payne and Nick O'Grady were game announcers, or "Voice of the Huskies," and Dr. Winston Bradley served as team doctor; and

WHEREAS, providing spirit and encouragement for the Hewitt-Trussville Huskies, and under the direction of Sponsor Mary Henderson, were Cheerleaders Jennifer Mitchell, Lee Ellen Sheelor, Angela May, Michelle Clawson, Carla Reed, Renee Stephens, Theresa Robbins, Carrie Parker, Christy Morris, Catherine Phoebus, Melanie

Owens, Connie Reed, Amanda Foster, Jill Melvin, Michelle Pylar and Vanessa Box; and

WHEREAS, named I-95 Gator-Aide Team of the Week, Channel 6 Coca-Cola Team of the Week and Channel 13 Team of the Week, were Huskies Ken Whitlock, Brian Meredith, Walter Tipton, Billy Bowman, Scott O'Grady, Geoff Holder, Chris Davis, Jeff Brasher, Eric Mashburn, Jeremy Harper, Jonathan Conway, Brad Golsan, Jeff Strader, Scott Ferris, Bryant Mize, Glen Rush, Wade Stewart, Chris Keith, David Needham, Cliff Acton, Mike Palmer, Mark McGill, William Turner, Chuck Davis, Keith Strain, Jason Warren, Neil Ramey, Scott Hall, Donn Williams, Billy McMillian, Scott Watts, Todd Harrell, John Rumore, Edwin Hocutt, Robert Fondren, Chris Hale, John Garner, Michael Tittle, Michael Clough, Steven Marlowe, Judd Skelton, Jody Schilleci, Matt Stewart, Joe Garner, Jason Thompson, Nick Romano, Ben Davis, Ronnie Clements, Kelly Johnson, Tim Harris, Chuck McGuffie, Patrick Ledbetter, Brian Orr, Jimmy Blalock, Jack Hicks, Wayne Cornelius, Rasheid Bell, Marc Hubble, Coley Lauminick, Mike Trammell, Rusty Lewis, Scott Castleberry, Scott Moore, Ken Needham, Allen Higgins, Chris Solomon, Walt Bolton, Stephen Thornton and Paul Price; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Hewitt-Trussville High School Huskies on their outstanding 1986 football season and Top-10 State ranking among 6-A schools.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Coach Wood and to Principal Kenneth Abbott for appropriate presentation and school display at Jefferson County's Hewitt-Trussville High School.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-49 H.J.R. 65—Reps. Hettinger, Freeman, Hall, Butler, Grayson and Brooks

HOUSE JOINT RESOLUTION

COMMENDING DR. MAW-KUEN WU, ASSISTANT PROFESSOR AND RESEARCH PHYSICIST AT THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, the Legislature of Alabama expresses the boundless pride of our state in the recent achievement of superconductivity by

Dr. Maw-Kuen Wu, assistant professor and research physicist at the University of Alabama in Huntsville since 1984; and

WHEREAS, the superconductive compound produced by Dr. Wu's research team has the ability to transmit electrical current at temperature sufficiently high so as to eliminate resistance and, thereby, loss of energy; this breakthrough by Dr. Wu was a goal long sought, yet one that had eluded world scientists for more than three quarters of a century; and

WHEREAS, Dr. Wu's discovery, hailed by major worldwide publications as revolutionary and ranking in importance with the invention of the transistor and the laser, is lauded by the National Science Foundation as a "discovery that could lead to profound technological and sociological changes throughout the world"; and

WHEREAS, a new horizon for benefit to all mankind has indeed been opened by Dr. Wu, and this gateway leads to future and unlimited possibilities that stun the mind, including: long range and cost-efficient energy transmission; commercial realities such as magnetically levitated trains, high efficiency generators and faster, more powerful computers; as well as major advancements in medical research and other fields; and

WHEREAS, not only is this profound development a personal triumph for Dr. Wu, but also brings credit to UAH and is a source of great pride for the State of Alabama and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished scientific achievement and beneficial contributions to mankind, we hereby commend Dr. Maw-Kuen Wu of the University of Alabama in Huntsville, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-50 H.J.R. 66—Reps. Hettinger, Hall, Brooks, Freeman, Grayson and Butler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN E. HATCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of John E. Hatch of Huntsville, Alabama, on March 6, 1987, at the age of 67 years; and

WHEREAS, a native of Norfolk, Virginia, and a resident of Huntsville since 1953, Mr. Hatch was a graduate of Virginia Polytechnic Institute with a B.S. degree in aeronautical engineering and held the Master's degree from Georgia Institute of Technology; he also was a highly decorated United States Army veteran of World War II with combat service in the Eastern Theatre of Operations; and

WHEREAS, Mr. Hatch enjoyed an outstanding professional career which included tenures with the National Advisory Committee for Aeronautics (1949-1953), Brown Engineering in Huntsville as first vice-president and chief engineer (1953-1959), and with SPACO, Inc., which he served as president from 1959-1971; and

WHEREAS, following a career in banking as vice-president and comptroller of the Bank of Huntsville from 1971 to 1983, Mr. Hatch accepted a position as project manager with United Space Boosters, Inc., and in which capacity he was serving at the time of his death; and

WHEREAS, the accomplishments and contributions of John E. Hatch, however, far transcended his professional life, as he also directed his considerable talents and energies to encompass numerous civic, charitable and community activities, serving through leadership and example in such organizations as the Boy Scouts, YMCA, the Arts Council, Chamber of Commerce, the Health Center, Hospice and countless other worthy organizations; and

WHEREAS, in the death of John E. Hatch, the Huntsville Community has indeed lost one of its finest and most committed citizens, and his loss will long be felt by all those he served with genuine compassion and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of John E. Hatch of Huntsville, Alabama, and extend our sympathy to his wife, Mrs. Betty F. Hatch; his children, Elizabeth Stuart Aufderhar, Mary Susan Wallace and John Randolph Hatch; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-51

H.J.R. 69—Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING HOYT TRAMMELL OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, Hoyt Trammell of Birmingham, Alabama, was a highly regarded and influential member of the Alabama House of Representatives for three consecutive terms, 1974-1986, during which time he rendered dedicated service to his constituents, the State of Alabama and to all citizens thereof; and

WHEREAS, Representative Trammell's legislative tenure was indeed one of marked accomplishment and his abilities were recognized through assignment to a number of important House committees including Commerce, Transportation and Utilities (vice-chairman), Highway Safety, Ways and Means, Business and Labor, and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend and express deep gratitude to Representative Hoyt Trammell for outstanding service to the Alabama House of Representatives and to the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to our good friend, the Honorable Hoyt Trammell of Birmingham.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-52

H.J.R. 70—Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins,

Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING HUGH BOLES OF HUEYTOWN, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, Hugh Boles of Hueytown, Alabama, was a highly regarded and influential member of the Alabama House of Representatives for four consecutive terms, 1970-1986, during which time he rendered dedicated and distinguished service to his constituents, the State of Alabama and to all citizens thereof; and

WHEREAS, Representative Boles' legislative tenure was indeed one of marked accomplishment and his leadership abilities were recognized through assignment to a number of important House committees including Rules, Education and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend and express deep gratitude to Representative Hugh Boles for outstanding service to the Alabama House of Representatives and to the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to our good friend, the Honorable Hugh Boles of Hueytown.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-53 H.J.R. 63—Rep. Payne

HOUSE JOINT RESOLUTION

CONGRATULATING THE BIRMINGHAM NORTHEAST Y.M.C.A. CELTICS, 8-YEAR-OLD STATE BASKETBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama, with great pride and pleasure, extends heartiest congratulations to the Birmingham Northeast Y.M.C.A. Celtics on their State Basketball Championship; and

WHEREAS, this outstanding team of talented young 8-year-old athletes finished their regular season with a 6-3 record, ending the season 10-3, overall, after a clean sweep in State competition; and

WHEREAS, in the first round of the Play-offs, the Celtics outshot Huntsville Southeast Rural, 30-23, followed by 23-8 and 27-15 victories over Montgomery Southeast and Huntsville Southeast, respectively in rounds two and three; in the Championship Game, Celtics swamped Tuscaloosa 35-10 to claim the glory and the State Title for the Birmingham Northeast "Y"; and

WHEREAS, led by Coaches R. L. Langston and John Daniel and managed by Lonnie Hendrix, the Champion Celtics are Jason Hendrix, Scott Eady, Kevin Armstrong, Shane Brooker, Patrick Daniel, Shane Henderson, John Daniel, Chad Langston, Jonathan Irby and Matt Eady; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That for outstanding achievement and as Alabama's Y.M.C.A. 8-year-old State Basketball Champions, we hereby most highly commend the Birmingham Northeast Y.M.C.A. Celtics, and direct that copies of this resolution be forwarded to the Celtics' coaches for appropriate presentation and display.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-54 H.J.R. 64—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING STACEY WOODALL OF MOBILE, ALABAMA, FOR OUTSTANDING CITIZENSHIP.

WHEREAS, the Legislature of Alabama notes with highest commendation the numerous and notable accomplishments of Stacey Woodall of Mobile, Alabama, one of our state's most exemplary young citizens; and

WHEREAS, the daughter of Dr. and Mrs. James Robert Woodall, Stacey is a student at St. Paul's High School in Mobile where she is a National Merit Commendable Scholar, appears on the Headmaster's List, and is the recipient of a full four-year academic scholarship to the University of Alabama; and

WHEREAS, other of Miss Woodall's honors, recognitions and leadership activities include: President of the National Honor Society, 1986-87; Harvard Alumni Book Award, 1986; and the Rotary Club Youth Merit Award, 1986; and

WHEREAS, she further served as Homecoming Queen in 1986, served as captain of the basketball team in 1986-87 and was named Most Valuable Player in the 1986 State 3A Volleyball Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in a desire to recognize outstanding young Alabamians of achievement and exemplars of good citizenship, we hereby most highly commend Stacey Woodall of Mobile, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-55 H.J.R. 71—Rep. Breedlove

HOUSE JOINT RESOLUTION

NAMING WASHINGTON COUNTY HIGHWAY 1, THE "S. RAY COAKER HIGHWAY".

WHEREAS, S. Ray Coaker has served Washington County for over 50 years as a dedicated public servant, thirty-two years as a member of the Washington County Commission and eighteen years as a member of the Washington County Board of Education; and

WHEREAS, Mr. Coaker is responsible for paving 260 miles of road in his county as well as constructing over 11,000 feet of bridges; and

WHEREAS, Mr. Coaker always puts his county's requirements and his neighbors' needs before his own; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Mr. Coaker's unselfish devotion to Washington County, the State of Alabama and the United States of America, Washington County Highway No. One from Chatom to Fruitdale is hereby named and shall henceforth and forever be known as the "S. Ray Coaker Highway".

BE IT FURTHER RESOLVED, That the Washington County Commission is authorized to purchase and display signs so recognizing said highway as the "S. Ray Coaker Highway".

RESOLVED FURTHER, That Mr. Coaker receive a copy of this resolution as a memento of this honorary designation, executed by the Legislature in highest regard of his many contributions to Washington County and all citizens thereof.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-56 H.J.R. 72—Reps. Blakeney and Breedlove

HOUSE JOINT RESOLUTION

NAMING THE BRIDGE AT ALABAMA HIGHWAY 178 IN THE TOWN OF FULTON, CLARKE COUNTY, ALABAMA, THE "JACK L. DOZIER BRIDGE."

WHEREAS, the Bassett Creek Bridge at Alabama Highway 178 in the Town of Fulton, Clarke County, Alabama, is now being reconstructed and, on February 10, 1987, an appropriate name for said bridge was unanimously approved by the Mayor and the Fulton Town Council; and

WHEREAS, it also is the consensus of the Alabama Legislature that said bridge be named in honor of Jack L. Dozier, M.D., and in recognition of Dr. Dozier's many years of community service and dedicated commitment to the citizens of the Town of Fulton, Clarke County and surrounding areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge at Alabama Highway 178 in the Town of Fulton, Clarke County, Alabama, and heretofore known as the Bassett Creek Bridge, is hereby named and designated as the "Jack L. Dozier Bridge."

BE IT FURTHER RESOLVED, That in token of highest esteem and as a memento of this honorary designation of the Alabama

Legislature, a copy of this resolution shall be forwarded to Jack L. Dozier, M.D., Fulton, Alabama.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-57 H.J.R. 73—Rep. Harvey

HOUSE JOINT RESOLUTION

CONGRATULATING THE APPALACHIAN HIGH SCHOOL "BLUE PRIDE" EAGLES ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Coach Lee Holladay and his Appalachian High School "Blue Pride" Eagles on their outstanding 1986 football season and participation in the State Play-offs; and

WHEREAS, under the talented direction and leadership of Coach Holladay, Assistant Coaches Philip Robertson and Ernie Willingham, and Trainer Bruce Tidwell, the Eagles posted a 7-4 record for the season; and

WHEREAS, the Eagles also won the Area 15 Championship and represented the Blount County 1-A schools in the District 8 State Play-offs where they lost a hard-fought game, 14-7, to DeKalb County's Valley Head; and

WHEREAS, contributing to the Eagle's successful season and the Area Title were Oneonta's "Blue Pride" John Holladay, Daniel Lindsey, Scott Wamble, Scott Engle, Joey Epps, Buddy Foy, Paul Frost, Randy Fortner, Terry Southern, Dewayne Bates, Steven Ellison, Rodney Simmons, Phillip James, Dale Dickey, Pete Hathcock, Steve Martin, Billy Epps, Darrell Calvert, James Samples, Tim Murphree, Jeff Calvert, Don Bellew, David Parkman, Mike Martin and Chris Ellison; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate our State 1-A, Area 15 Champions, the Appalachian High School "Blue Pride" Eagles, on their outstanding 1986 football season and direct that copies of this resolution be forwarded to Coach Holladay and Principal James E. Carr for appropriate presentation and school display.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-58 H.J.R. 74—Rep. Harvey

HOUSE JOINT RESOLUTION

CONGRATULATING COACH SHARON STANDRIDGE AND HER ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON THEIR OUTSTANDING 1986-1987 SEASON AND HIGH STATE RANKING.

WHEREAS, the Oneonta High School lady Redskins, under Coach Sharon Standridge, finished their 1986-1987 volleyball season with a fantastic 23-5 record and were ranked fourth in the State; and

WHEREAS, as County and Area Champions, this outstanding Oneonta team went on to defeat Holly Pond in Substate competition, and racked up victories over South Lamar and Clayton in the first and second rounds of the State Play-offs before losing to Lexington and St. Paul in the final rounds; and

WHEREAS, greatly contributing to the Redskins' fourth-place ranking in the State were All-County and All-Area players Daphne Butler and Gina Fendley; All-County and All-Area Melanie Wester, who was named MVP in both tournaments; along with teammates Amy Bittle, Deidre Bellenger, Darlene Avant, Jennifer Gowers, Dawn Griffin, Stacey Rice and Jodie Wilson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend and congratulate Coach Sharon Standridge and the Oneonta High School Girls' Volleyball Champions.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Oneonta High School.

Approved May 12, 1987

Time 2:11 P.M.

Act No. 87-59 H.J.R. 75—Rep. Harvey

HOUSE JOINT RESOLUTION

CONGRATULATING THE ONEONTA HIGH SCHOOL REDSKINS ON THEIR OUTSTANDING FOOTBALL SEASON.

WHEREAS, in highest commendation, the Alabama Legislature congratulates Head Coach Maurice Carkuff and the Oneonta Redskins on their outstanding 1986 football season; and

WHEREAS, under the leadership of Coach Carkuff, Defensive Coach Perry Swindall and Assistant Coaches Rod Stewart and Mike Bowman, Oneonta High School finished their regular season as Area 9 Champions and with a perfect 10-0 record; and

WHEREAS, the Redskins then soundly defeated Vinemont, Runner-up of Area 10, 46-20 in the first round of the State Play-offs, and beat Area 10 Champions, Pennington High School, 24-10 in the second round, before losing to the Lamar County Area 11 Champions by a score of 35-7; and

WHEREAS, it is further to be noted that the Oneonta Redskins have gone 25-3 in the past two years with a 6-2 record in State competition; and

WHEREAS, contributing greatly to the Redskins phenomenal 1986 season were All-State players Billy Stockdale and Tommy Epperson, along with teammates Mark Allred, Lee Baker, Alex Beaube, Shawn Brown, Ulysses Butler, Michael Carr, Jim Clanton, Pat Conn, Jason Davis, Darren Denney, Kris Jennings, James Johnson, Chris Latta, Carey Lowe, Lance McWaters, Derrick Phillips, Dean Richard, Kevin Robbins, James Russell, Steve Shea, Mark Smith, Kelly Teems, Barry Tidwell, Billy Tidwell, Brock Tidwell, Kelly Wadkins, Thomas Warhurst, Sean White, Jeff Beason, Steve Phillips, Dain Jones, Gary Johnson, Shane Staton, Marlon Fowler, Brent Wester, Eric Hixon, David Egan, Lance Nolen and David Elrod; Sharon Standridge and Chris King served as trainer and student trainer, respectively; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Maurice Carkuff and his Redskins on their outstanding 1986 football season, and direct that copies of this resolution be provided for appropriate presentation and display at Oneonta High School.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-60 H.J.R. 78—Rep. McClain

HOUSE JOINT RESOLUTION

COMMENDING COACH IOLA B. T. BAYLOR AND THE BRIGHTON HIGH SCHOOL LADY BEARS ON THEIR OUTSTANDING BASKETBALL PROGRAM.

WHEREAS, the Legislature of Alabama most highly commends and congratulates the Brighton High School Lady Bears and Coach of the Year Iola Baylor on their outstanding basketball program; and

WHEREAS, organized in 1979, the Lady Bears have since posted an outstanding record of 151-53, overall, and have numerous Championships to their credit; and

WHEREAS, the Lady Bears have won five Jefferson County Small School titles, two Overall Jefferson County Championships, three Area 10-2A Crowns, and one City-County Championship; and

WHEREAS, they also were runner-up to the City-County Title in 1985, have won three State Semifinal games, and were runner-up to the State Championship in 1986 and 1987; and

WHEREAS, it further is to be noted that a number of Brighton's Lady Bears have been accorded recognition as tournament MVPs and have been named to All-Tournament teams at city, area and division levels; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Iola Baylor and the Brighton High School Lady Bears for outstanding achievement in AHSAA competition, and direct that copies of this resolution be forwarded to Coach Baylor and Principal Levie Satisfield for appropriate presentation and display at Brighton High School.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-61 H.J.R. 79—Rep. McClain

HOUSE JOINT RESOLUTION

COMMENDING SONSEEAHRAY CORE OF BRIGHTON HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Sonseeahray Core for outstanding achievement in the Jefferson County Spelling Bee, sponsored in March 1987 by the Birmingham Post-Herald; and

WHEREAS, Sonseeahray, who is the daughter of Thelma C. Williams, is an outstanding young 14-year-old eighth grade student at Brighton High School; and

WHEREAS, in countywide competition, Miss Core was the fifth-place winner of this prestigious annual spelling competition, and it is to be noted that she achieved this high ranking from a field of 20 challengers from schools throughout Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Sonseeahray Core of Brighton High School, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-62 H.J.R. 83—Rep. Flowers

HOUSE JOINT RESOLUTION

CONGRATULATING THE TROY STATE UNIVERSITY FOOTBALL TEAM ON FINISHING ITS SEASON THIRD IN THE NATION.

WHEREAS, Troy State's 1986 football team, a preseason pick to finish third in its conference, posted a 10-2 final record, finishing third in the nation; and

WHEREAS, this team went through the Gulf South Conference schedule undefeated for the first time in the school's history, winning Troy State her third league title; and

WHEREAS, the Trojans advanced to the semifinals of the NCAA Division II Football Play-offs and, in so doing, exceeded the expectations of all except themselves, meeting adversity with a will to overcome it, and bringing honor to themselves, their families, and to their proud institution which this year celebrated her centennial; and

WHEREAS, these young men of Troy State established themselves as champions, not only on the playing field, but in their gentlemanly and sportsmanlike conduct at all times, in victory and defeat; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our praise and our applause to Coach Rick Rhoades and his staff, and to all the members of this great football team whom we wish continued success in football and in life.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Chancellor of Troy State University, Dr. Ralph W.

Adams; to the Director of Athletics, Mr. Robert E. Stewart; to Coach Rick Rhoades and the members of his staff; and to all members of this team that they may forevermore have evidence of our tremendous pride in their accomplishment.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-63 H.J.R. 85—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF OMA LEE HUGHES OF GADSDEN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mrs. Oma Lee Hughes of Gadsden, Alabama, on December 5, 1986, at the age of 92 years; and

WHEREAS, a resident of Gadsden since 1917 and the wife of the late Miles Preston Hughes, Mrs. Hughes was a 1914 graduate of the University of Alabama, a charter member of Phi Beta Kappa, and a charter member of the Alabama Association of University Women in Gadsden; she also was a former teacher and had taught both in Birmingham and at Gadsden High School; and

WHEREAS, Mrs. Hughes, though involved in numerous community affairs, was most particularly active in the affairs of the First United Methodist Church, having served as president of the Young Women's Missionary Society, as a member of the official board of United Methodist Women, and as a Sunday School teacher for 67 years; and

WHEREAS, the death of Oma Lee Hughes has indeed left a deep void in the life of the community and in the hearts of her beloved family and her many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Oma Lee Hughes of Gadsden, Alabama, and extend sincere and deepest sympathy to her sons, Joseph R. and Robert E. Hughes; her daughter, Marion Hughes Bahr; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-64 H.J.R. 86—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

COMMENDING THE SAND VALLEY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS, the Alabama Legislature notes with utmost commendation the outstanding community service rendered by the Sand Valley Volunteer Fire Department in rural Etowah County; and

WHEREAS, in addition to responding to fire and medical calls, a function of all rural volunteer fire departments, the Sand Valley Volunteer Fire Department is one of only two in Etowah County to provide its first-responder medic team of trained personnel with a fully equipped van, thereby assuring community residents of a quicker and more efficient response in emergency situations than is possible with the dispatch of a fire truck; and

WHEREAS, it is further to be noted that, unlike the department's fire protection program, Sand Valley's fire medic program, including the purchase of its van, is funded entirely through donations and through fund raising campaigns initiated by department personnel and community residents; and

WHEREAS, the Sand Valley department's new fire medic program, after being in operation only one month, has made more than 12 medic runs, a number of which involved life-threatening situations for heart attack victims and those suffering from other critical symptoms and causes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the community, we hereby most highly commend the Sand Valley Volunteer Fire Department in Etowah County, Alabama, and direct that a copy of this resolution be presented to Fire Chief Bobby Works on behalf of his highly capable crew of trained fire medic personnel.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-65 H.J.R. 87—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

COMMENDING THE EGYPT VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS, the Alabama Legislature notes with utmost commendation the outstanding community service rendered by the Egypt Volunteer Fire Department in rural Etowah County; and

WHEREAS, in addition to responding to fire and medical calls, a function of all rural volunteer fire departments, the Egypt Volunteer Fire Department is one of only two such departments in Etowah County to provide its first-responder medic team of trained personnel with a fully equipped van, thereby assuring community residents of a quicker and more efficient response in emergency situations than is possible with the dispatch of a fire truck; and

WHEREAS, it is further to be noted that, unlike the department's fire protection program, Egypt's fire medic program, including the purchase of its van, is funded entirely through donations and through fund raising campaigns initiated by department personnel and community residents; and

WHEREAS, the Egypt department's new fire medic program, in operation since January 1986, has now made more than 72 medic runs, almost half of which involved life-threatening situations for heart attack victims and those suffering from uncontrolled bleeding and other critical symptoms and causes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the community, we hereby most highly commend the Egypt Volunteer Fire Department in Etowah County, Alabama, and direct that a copy of this resolution be presented to Fire Chief Steve Curtis on behalf of his highly capable crew of trained fire medic personnel.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-66 H.J.R. 94—Reps. White (F), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier,

Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

SUPPORT OF FLORIDA-ESCAMBIA COMMISSION.

WHEREAS, the Florida-Escambia County Commission with the seat of county government being located in Pensacola has passed a resolution to secede from the State of Florida; and

WHEREAS, its fine citizens and industrial base, and the military installations located therein would be a great asset to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would with open arms welcome the fine citizens of this County to this State. We further recommend that Governor Guy Hunt utilize the full resources of his office to assist them in any manner that would help them achieve this goal.

BE IT FURTHER RESOLVED, that the Florida-Escambia County Commission be provided a copy of this resolution.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-67 H.J.R. 98—Reps. Campbell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

WISHING OUR FRIEND AND FORMER COLLEAGUE, JOE McCORQUODALE OF JACKSON, A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, in deep personal interest, the Legislature of Alabama notes that as a result of recent accidental injuries, our longtime former colleague, Joe McCorquodale of Jackson, is today undergoing surgery in Birmingham; and

WHEREAS, a member of the Alabama House of Representatives for more than two decades and a former two-term Speaker of the

House, Mr. McCorquodale continues to serve the State of Alabama as a member of the Governor's staff; and

WHEREAS, his welfare is therefore of statewide concern to a grateful citizenry and it is on their behalf, and in great optimism, that we express our anticipation of a speedy and complete recovery for Mr. McCorquodale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to our friend Joe McCorquodale all best wishes for the speediest possible recovery, and direct that he receive a copy of this resolution that he and his family may know of our sincere interest and concern.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-68 H.J.R. 100—Reps. Carothers, Williams, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker,

Warren, White (F), White (G), White (L), Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING HOMER NEAL LEWIS FOR OUTSTANDING SERVICE TO FFA AND TO AGRIBUSINESS IN ALABAMA.

WHEREAS, a native of Baker Hill in Barbour County, Alabama, and a graduate of Baker Hill High School, Homer Neal Lewis also is a distinguished United States Army veteran of World War II; he further holds both the B.S. and M.S. degrees from Auburn University and is a former teacher in the public schools of Barbour and Montgomery Counties; and

WHEREAS, Mr. Lewis, who has been a member of FFA since 1937 and is an honorary member of numerous FFA chapters throughout Alabama, is the recipient of the Honorary State Farmer Degree from the Alabama FFA Association and the Honorary American Farmer Degree from the National Organization of the Future Farmers of America; and

WHEREAS, Mr. Lewis has served for 37 years on the State Agribusiness Supervisory Staff, working in this capacity as Assistant District Supervisor, Assistant State Supervisor/Veterans Program, FFA Executive Secretary and State Livestock Specialist; and

WHEREAS, at retirement, Mr. Lewis was still serving as the District Specialist for the Southeast District, the State Livestock Specialist for Agribusiness Education, and as State Advisor for the Alabama Young Farmers Educational Association; and

WHEREAS, Mr. Lewis additionally is the recipient of such prestigious distinctions as lifetime member of the American Vocational Association and Distinguished Service Awards from the Alabama Farm Bureau and the State Fair Authorities; also, the Alabama Agricultural Center Board's new swine barn at Garrett Coliseum in Montgomery was named and dedicated in his honor during the 1986 South Alabama Fair; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to FFA and to agribusiness in Alabama, we hereby commend Homer Neal Lewis, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-69 H.J.R. 101—Rep. Thomas

HOUSE JOINT RESOLUTION

COMMENDING ROSE MARY SANDERS OF SELMA, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, in consensus of highest honor and esteem, the Alabama Legislature notes the selection of Rose Mary Sanders of Selma, Alabama, as one of only seven recipients, nationwide, of the 1987 Public Achievement Award, a prestigious recognition of Common Cause, presented annually to those individuals who "by force of imagination, initiative, and perseverance have made an outstanding contribution to the public interest in the areas of government performance and integrity"; and

WHEREAS, to this body and to all citizens of our state, it is entirely appropriate that Rose Mary Sanders receive such singular and national recognition, not only for achievement in the public interest, however, but for outstanding professional accomplishments and for significant contributions to the community; and

WHEREAS, Mrs. Sanders, a native North Carolinian, graduated Summa Cum Laude from Johnson C. Smith University with a double major in Political Science and Economics; she then received her degree from Harvard Law School and, as the recipient of a Ford Foundation Fellowship, conducted studies at University Ibadan in Nigeria in 1970 and 1971; and

WHEREAS, since 1972, Mrs. Sanders has been engaged in the private practice of law in Selma and has served previously in such capacities as former municipal judge of Uniontown and Alabama's first Black female judge; cooperating attorney with the NAACP Legal Defense Fund; part-time instructor at Alabama State University; director of the Remote Claims Project, an extensive FHA study on Black rural land tenure in ten Southeastern states; Madison County Legal Aid Society attorney; and, as the recipient of the Regional Herbert Smith Fellowship award, in assignment to the National Welfare Rights Organization and Columbia Center on Social Welfare policy and law; and

WHEREAS, in assuming civic and community responsibilities, Mrs. Sanders numbers among her activities such service as president of the MOM's affiliate of the Coalition of 100 Black Women; past vice president of the board of directors of the Legal Services Corporation of Alabama; co-founder of MOM's (Mothers of Many), the Black Belt Human Resources and Development Center, Alabama Black Lawyers Association and the Black Belt Journal; founder of

the McRae Learning Center; statewide youth coordinator for the 1984 Jesse Jackson for President Campaign; and president of the Alabama Lawyers Association; and

WHEREAS, she further has been instrumental in such causes as the Selma "Slave City" family relocation, the establishment of New South Coalition's 21st Century Leadership Youth Camp and has been involved in activities related to music and the arts, cultural development, education, voter registration and the affairs of the McCalla AME Zion Church which is pastored by her father; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary professional achievement, community service and involvement in affairs in the public interest, we hereby commend Rose Mary Sanders of Selma, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution of highest esteem shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-70 S.J.R. 1—Senators Bailey and Bedford

SENATE JOINT RESOLUTION

COMMENDING JACK BISHOP OF SLOUGH, BERKS, ENGLAND, FOR HIS LEADERSHIP IN THE ESTABLISHMENT OF AN INTERCHANGE PROGRAM BETWEEN THE DOTHAN, ALABAMA, AND SLOUGH ROTARY CLUBS.

WHEREAS, in highest commendation, the Alabama Legislature notes the establishment and continuing existence, since 1963, of an international relationship between the Rotary Clubs of Slough, Berks, England, and Dothan, Alabama; and

WHEREAS, from the "pairing" of these two clubs sprang an interchange of visits between Slough/Dothan Rotarians, originating with a 1964 journey to Dothan and other Alabama cities by Mr. Jack Bishop of Slough; and

WHEREAS, Mr. Bishop, whose visit to Dothan—the home of Slough's matched club—was prompted by his concern with media reports of racial strife in Alabama, found that his personal and favorable observations greatly differed from those of the media; it was the result of this visit, however, through Mr. Bishop's desire for

fair play and "service above self," that this interchange began and is now in its 23rd year; and

WHEREAS, following a 1965 address to Rotary District in Alabama, Mr. Bishop has visited our state almost annually and, in 1977, brought a group of 22 Slough Rotarians to Dothan, advancing the idea that club members interchange visits every two years on an alternate basis; and

WHEREAS, since their 1977 visit, Slough Rotary representatives have returned to Dothan in 1981 and 1985, while Dothan Rotary representatives have visited Slough in 1979 and 1983, with a 1987 interchange forthcoming; and

WHEREAS, not only have Slough and Dothan Rotarians greatly enjoyed the entertainment and fellowship attendant to their visits, but many heartwarming acts of concern, assistance and friendship have occurred through the years to cause this relationship to become even more of a special bond between nations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding leadership in the establishment of the interchange program between the Rotary Clubs of Slough, Berks, England, and Dothan, Alabama, we hereby commend Slough Rotarian Jack Bishop, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 12, 1987

Time: 2:10 P.M.

Act No. 87-71 S. 116—Senator Ellis

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Shelby County to levy additional taxes within the county for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon:

PROPOSED AMENDMENT

"Section 1. The Shelby County Commission, or other like governing body of Shelby County, shall have power to levy and provide

for the collection of a special county tax of not exceeding fifteen mills on each dollar's worth of taxable property in the county for public school purposes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended.

"Section 2. If this amendment is approved and a majority of the qualified electors of Shelby County who vote on this amendment vote in favor of its adoption when it is submitted, the special additional county school tax authorized by this amendment shall be levied and collected thereafter for a period of thirty years without any other election having been held thereon. After said period, or if this amendment is approved but a majority of the qualified electors of Shelby County who vote thereon vote against its approval, the tax authorized by this amendment may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of Shelby County and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same manner as provided in the third amendment to the Constitution with respect to other county school taxes."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature or on the date of the first special election which is held on a date not less than three months after the final adjournment of the current session of the legislature, whichever is earlier. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Passed the Senate May 5, 1987

Passed the House May 14, 1987

Act No. 87-72 S.J.R. 4—Senators Covington, deGraffenried, Foshee, Bailey, Amari, Barron, Bedford, Bedsole, Bennett, Bishop,

Cabaniss, Campbell, Corbett, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the tragic and untimely death of R. Mac Irving of Ozark, Alabama, from injuries sustained in an automobile accident on April 27, 1987, and at the early age of just 45 years; and

WHEREAS, a native of Chickasha, Oklahoma, and a resident of Ozark for the past 15 years, Mac Irving was a graduate of Oklahoma State University with both the B.S. and Master's degrees and received his Ph.D. degree from Purdue University; and

WHEREAS, Dr. Irving, who was executive vice president of Frit Industries in Ozark, also was a prominent civic leader and leading proponent of public education; and

WHEREAS, he was serving at the time of his death as president of the Alabama Association of School Boards, and was a member and past chairman, for two terms, of the Ozark City Board of Education; he further served as chairman of the State Advisory Committee on Vocational Education and, by presidential appointment, was a member of the National Commission on Secondary Vocational Education; and

WHEREAS, Dr. Irving extended his activities to include membership and involvement in the affairs of the United Methodist Church, the Ozark Rotary Club, and numerous other civic and community organizations; and

WHEREAS, the death of R. Mac Irving has indeed left a deep void in the life of the community and in the hearts of all those who so greatly benefited from his outstanding leadership and a lifetime of service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of R. Mac Irving of Ozark, Alabama, and extend heartfelt sympathy to his wife, Judy; his son, Kip, and his daughter, Carla; stepsons, Todd and Scott; and to other family members whose

sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-73 S.J.R. 5—Senators deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

DESIGNATING APRIL 9, ANNUALLY, AS "FORMER PRISONER OF WAR RECOGNITION DAY" IN THE STATE OF ALABAMA.

WHEREAS, by joint resolution of The Congress, April 9, 1987, was designated and subsequently commemorated as "National Prisoner of War Recognition Day" in honor of all members of the armed forces of the United States who have been held as prisoners of war; and

WHEREAS, April 9, 1987, marked the 45th Anniversary of the fall of Bataan in the Philippines during World War II when some 20,000 Americans were captured; they were then marched to prisoner-of-war camps where they suffered and endured brutal and inhumane treatment in violation of international codes and customs for the treatment of prisoners of war; and

WHEREAS, the significance of that date, however, extends to include all Americans of all wars who have suffered, become disabled or made the supreme sacrifice in service to our nation; and

WHEREAS, it is the consensus of the Alabama Legislature that the sacrifice and sufferings of our former prisoners of war deserve perpetual honor and recognition by a grateful nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 9, 1988, and each April 9 thereafter as "Former Prisoner of War Recognition Day" in the State of Alabama, and would further urge that said day be annually observed throughout our state with appropriate ceremonies and activities.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-74 S.J.R. 6—Senators Hale, Bennett, Amari, Bishop, deGraffenried, Barron, Bedsole, Figures, Dixon, Cabaniss, Menton, Goodwin, Manley and Hand

SENATE JOINT RESOLUTION

COMMENDING OLIVER HARRIS DELCHAMPS, JR., OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama is justly proud of Oliver Harris Delchamps, Jr., of Mobile, a native son of Alabama who serves as 1987 Chairman of the Board of the United States Chamber of Commerce, America's largest business federation comprised of some 180,000 member businesses nationwide; and

WHEREAS, Mr. Delchamps, a past Director of the Alabama State Chamber of Commerce, has previously served the national federation as a member and chairman of various committees, as treasurer, a director since 1977, and as vice chairman of the board in 1986; and

WHEREAS, a prominent Alabama business executive and civic leader, Mr. Delchamps is chairman of the executive committee of Delchamps, Inc., a Mobile-based regional grocery chain with 92 stores in Alabama, Louisiana, Mississippi and Florida, and with annual sales of some $700 million; and

WHEREAS, he further has held directorates in numerous other business organizations as well as those related to community, charitable, religious and educational activities and affairs; and

WHEREAS, Oliver H. Delchamps, Jr., is indeed a man of extraordinary achievement and one who has devoted much of his time and talents to the good of his fellowman; and

WHEREAS, we further note, that in commendation of his many accomplishments and in gratitude for his contributions to the community, Mr. Delchamps has been named the recipient of numerous distinguished awards and honors, and has been included in Who's Who in America and the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Oliver Harris Delchamps, Jr., of Mobile, Alabama, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-75 S.J.R. 7—Senators Manley, Rice and Dial

SENATE JOINT RESOLUTION

COMMENDING YANN COWART OF AUBURN UNIVERSITY FOR DISTINGUISHED ACADEMIC AND ATHLETIC ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of extraordinary achievement, the Alabama Legislature notes the numerous and notable accomplishments of Yann Cowart of Gallion, Alabama, a four-year football letterman and architectural major at Auburn University; and

WHEREAS, a four-year starter for the Tigers, he began his collegiate football career as a walk-on from Marengo Academy; he was red-shirted in 1982, split starting time as center for the following two years, and played his last two years of eligibility as offensive guard; and

WHEREAS, following a serious knee injury and corrective surgery in December 1985, Yann Cowart displayed remarkable determination and strength of character throughout his recovery, and was back in Auburn's starting lineup for the Tigers' 1986 Fall season; and

WHEREAS, in addition to the grueling demands of football, Yann Cowart also has pursued a double major in architecture and building science, and will graduate after 24 straight quarters in a six-year co-op program that was carefully devised to enable him to achieve with excellence both his athletic and academic goals; and

WHEREAS, while at Auburn, this outstanding student-athlete has amassed such distinguished honors as the Los Angeles Times Walk-On All-American Team, induction into Omicron Delta Kappa National Leadership Honorary, All-Academic SEC for three years, and Who's Who Among Students in American Universities and Colleges; and

WHEREAS, he further has been honored with the Jefferson County Auburn Alumni Association's 1987 Bill Streit Award for Highest Academic Achievement and he is the 1987 recipient of the prestigious Cliff Hare Award given annually to the male athlete who, in addition to athletic and scholastic achievement, exhibits in great degree the qualities of leadership, integrity and courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished athletic and academic achievement, we hereby commend Yann Cowart of Gallion, Alabama, and direct that a copy of this resolution of highest esteem be presented to Mr. Cowart on the honorary occasion of "Yann Cowart Day" in Marengo County, Alabama, May 16, 1987.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-76 S.J.R. 8—Senators Dixon and Langford

SENATE JOINT RESOLUTION

CONGRATULATING THE MONTGOMERY ACADEMY GIRLS VOLLEYBALL TEAM ON THEIR 1986 CLASS 1A STATE CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Coach Julie Gordon and The Montgomery Academy Girls Volleyball Team on their Class 1A State Championship for 1986; and

WHEREAS, under Coach Gordon and Assistant Coach Karen Sweatt, The Montgomery Academy Eagles soared to a fantastic 34-5 season record; and

WHEREAS, beating Houston Academy (15-0, 15-1, 15-7) to win the regional tournament, the Academy advanced to the State Playoffs where they won two-out-of-three in match-ups against Athens Bible, Brilliant, Kingston and Bayside; for the title, the Eagles met

Donoho of Anniston for the third time, taking the last two games 15-10 and 15-8 to claim the Crown; and

WHEREAS, the 1986 Champion Eagles are seniors Chelese Beck, Kim Brookhyser, Trayte Gassenheimer, All-State Anne Sahlie and 1A MVP Jennifer Seebode; juniors Sarah Faulkner and Susan Taylor; sophomores Kat Coleman, June Garzon, Laurie Hughes, Sara Mann, Leigh Morris and Leslie Tucker; with Christie Gilder serving as scorekeeper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate The Montgomery Academy coaches, staff and girls volleyball team on the 1986 Class 1A State Championship.

BE IT FURTHER RESOLVED, That copies of this resolution of highest praise be provided for appropriate presentation and display at The Montgomery Academy, Montgomery, Alabama.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-77

S.J.R. 11—Senators Foshee, Cabaniss, Bishop, Bedsole, Langford, Preuitt, Denton, Campbell, Holmes, Covington, Manley, Amari, deGraffenried, Smith (J), Dial, Barron, Bedford and Sanders

SENATE JOINT RESOLUTION

JOINT RESOLUTION OF THE LEGISLATURE IN SUPPORT OF NATIONAL CRIME VICTIMS WEEK, 1987.

WHEREAS, crime can have a severe and detrimental impact on victims and survivors of victims, causing financial loss, physical pain, and mental suffering; and

WHEREAS, crime can strike all Americans, regardless of age, race, economic status, or place of residence; and

WHEREAS, the criminal justice system must continue to be reformed and improved to ensure that the rights and needs of victims are honored and protected in a manner no less vigorous than those afforded criminal defendants; and

WHEREAS, The National Association of Attorneys General has recognized the importance of victim rights in previous resolutions, and has been engaged through its Crime Victims Project in a major effort to develop model victims legislation and encourage its consideration in the states, working cooperatively with the U.S. Department of Justice; and

WHEREAS, National Crime Victims Week, proclaimed by President Reagan in previous years, has provided an important opportunity to highlight concerns of victims as well as the efforts of public officials and private citizens to take positive action on their behalf;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that the Alabama Legislature supports National Crime Victims Week 1987, and urges the Administration of Governor Hunt to support activities to mark this week and focus state attention upon it; and

BE IT FURTHER RESOLVED, that the Legislature encourages District Attorneys and law enforcement at all levels to support and participate in Crime Victims Week activities in their jurisdictions; and

BE IT FURTHER RESOLVED, that the Legislature expresses its appreciation to the Attorney General's Office for its cooperation with and assistance to the Legislature on crime victims issues.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-78 S.J.R. 14—Senators Bedsole and Preuitt

SENATE JOINT RESOLUTION

TO RECOGNIZE THE NEEDS OF CRIME VICTIMS TO BE PROVIDED CERTAIN RIGHTS WITHIN THE CRIMINAL JUSTICE SYSTEM.

WHEREAS, there is a need to develop methods to reduce the trauma and discomfort that victims of a crime and witnesses to a crime may experience; and

WHEREAS, often such victims or witnesses are further victimized by the criminal justice system; and

WHEREAS, when crime strikes, the chief concern of the criminal justice system is apprehending and dealing with the criminal with the victim's needs being forgotten; and

WHEREAS, victims often become isolated and receive little practical advice or necessary care; and

WHEREAS, victims and witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities or transportation problems; and

WHEREAS, victims and witnesses often endure long waits before testifying, are subjected to confusing circumstances while testifying and receive little or no information as to the status or the final disposition of the case; and

WHEREAS, many crimes go unreported because victims and witnesses feel hopeless about the criminal justice system protecting them; and

WHEREAS, the single most important factor determining whether or not a case will be solved is the information that the victim supplies to the responding police officer; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that we request to the extent possible and subject to the available resources, victims and witnesses of crime, or in cases of homicide, the family members of the victims, shall be afforded the following rights where applicable:

1) For victims and witnesses to be informed by the prosecutor of the status of the case;

2) For victims to be notified of the custody or the change of custody of the defendant by the custodial authority;

3) For victims and witnesses to be notified by the District Attorney in a timely manner when a court proceeding has been cancelled or rescheduled;

4) For victims and witnesses to be provided with information by the District Attorney as to the level of protection available from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

5) For victims to be informed by the District Attorney of restitution or compensation, and to obtain assistance in the documentation of the victim's losses;

6) For victims, family members, and witnesses to be provided a secure waiting area or room during court proceedings by the District Attorney;

7) For victims to have any personal property stolen or taken for evidentiary purposes be returned within ten (10) days of its taking

or recovery if it is not needed for law enforcement or prosecution purposes;

8) For victims and witnesses to be provided, where appropriate, with employer and creditor intercession services; and

9) For victims and witnesses to be provided a prompt disposition of the case in which they are involved.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-79 S.J.R. 15—Senator Manley

SENATE JOINT RESOLUTION

COMMENDING STEVE STEWART OF MONROEVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the election of Steve Stewart of Monroeville, Alabama, to the office of president of the Alabama Press Association; and

WHEREAS, prior to assuming said office on February 22, 1987, Mr. Stewart had served the association in numerous capacities of leadership including terms as second vice president, first vice president, member of the board of directors, and as a member and/or chairman of several committees; and

WHEREAS, he also is a past president of APA's business affiliate, the Alabama Newspaper Advertising Service, and has served his profession on the national level as a director of the National Newspaper Association, representing the Southeastern states; and

WHEREAS, a native of Monroeville and a former reporter for The Atlanta Constitution, Mr. Stewart is a graduate of the University of Georgia, where he was editor of the student newspaper, The Red and Black.

WHEREAS, since 1973, Mr. Stewart has been the editor of The Monroe Journal, a family-owned weekly newspaper that has won a number of state and national awards for excellence, and which is widely known for the intelligence and sensitivity of its editorials that often are reprinted in other papers throughout Alabama; and

WHEREAS, Mr. Stewart's associates at The Monroe Journal include his father, Bill Stewart, who is the publisher and also a

former president of the Alabama Press Association, and his wife, Patrice, who serves as managing editor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration of outstanding professional achievement, we hereby commend Steve Stewart of Monroeville, Alabama, whom we hold in highest regard, and for whom a copy of this resolution shall be provided.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-80 S.J.R. 16—Senators Bedsole, Figures, Menton and Hand

SENATE JOINT RESOLUTION

COMMENDING ARLENE MITCHELL, MOBILIAN OF THE YEAR FOR 1986.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Arlene Mitchell of Mobile, Alabama, "Mobilian of the Year" for 1986 and the first woman ever to be so recognized since the award's inception in 1949; and

WHEREAS, as a rare first ballot selection by representatives of some 100 Mobile-area civic, charitable and professional organizations, Mrs. Mitchell is indeed deserving of this honor attesting to her many years of community service and involvement; and

WHEREAS, Mrs. Mitchell, who is president of the Mobile Community Foundation, also serves on the Mobile Area United Way Child Substitute Care Committee, the board of directors of Senior Citizens Services and is a primary leader of Camp Rap-a-Hope for children who are victims of cancer; and

WHEREAS, she further is a member of the Dauphin Street Synagogue Sisterhood, Spring Hill Avenue Temple, several organizations serving Mobile's Jewish community, and is a supporter of St. James Major Catholic Church, Julius T. Wright School, UMS Prep School and the Spring Hill Presbyterian Church School for Special Children; and

WHEREAS, Mrs. Mitchell's activities extend to include participation in numerous other areas such as the arts, health, and welfare, and she is a former president of the Mobile Preschool for the sensory impaired; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of highest commendation, we congratulate Arlene Mitchell as "Mobilian of the Year" for 1986 and direct that she receive a copy of this resolution expressing sincere appreciation and regard of her continuing commitment to community service.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-81 S.J.R. 17—Senators Bedsole, Menton, Figures and Hand

SENATE JOINT RESOLUTION

COMMENDING BRIAN GINSBERG OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, it is with utmost pride and pleasure that the Legislature of Alabama congratulates Brian Ginsberg of Mobile, Alabama, as winner of the McDonald's American Cup gymnastic title; and

WHEREAS, the 20-year-old son of Dr. and Mrs. Nathan Ginsberg of Mobile, he is a graduate of St. Paul's High School and now attends the University of California at Los Angeles; and

WHEREAS, Brian Ginsberg, who finished second in this prestigious meet in 1986, led the field this year, from start to finish, earning near-perfect scores in four major exercises against some of the best and most talented gymnasts in the world, including the Soviet national champion, Vladimir Gogoladze, whose total point score of 58.00 fell short of Brian's 58.15; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Brian Ginsberg of Mobile, Alabama, as winner of the McDonald's American Cup gymnastic title, an impressive feat in which we share warm personal pride with him and his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Ginsberg that he may know of our sincere admiration of his many accomplishments, and of our very best wishes for every future success in life.

Approved May 20, 1987

Time: 7:17 A.M.

Act No. 87-82 S.J.R. 22—Senators Menton and Hand

SENATE JOINT RESOLUTION

COMMENDING JAMES W. STALLINGS ON HIS DISTINGUISHED TENURE WITH THE STATE DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, Trooper Captain James W. Stallings retired April 1, 1987, from the Department of Public Safety after a distinguished career of public service spanning more than 27 years; and

WHEREAS, his record of service began with assignment as an Alabama Highway Patrolman and concluded with 14 years as commander of the Mobile Highway Patrol District; and

WHEREAS, his concern for the welfare of Alabama's citizens was demonstrated in the able and diligent performance of his duties and through extensive community involvement; and

WHEREAS, Captain Stallings always gave generously of his capabilities to public safety and the people of Alabama, showing an outstanding ability and willingness to adapt to many difficult situations throughout his term of service; and

WHEREAS, the efficiency and professionalism demonstrated in the fulfillment of the demanding requirements of his position earned him the respect of his fellow law enforcement officers, as well as many others in the public and private sectors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express sincere appreciation and best wishes to Captain James W. Stallings, on the occasion of his retirement from active public service, for excellent leadership and enthusiastic devotion to his duties as a law enforcement officer, which have effected a notable contribution to the safety and well being of Alabama's citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Captain Stallings that he may know of our high praise of his performance as a dedicated public servant.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-83 S.J.R. 39—Senator Goodwin

SENATE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S SUPPORT FOR DEVELOPMENT OF RESOURCES OF THE ARCTIC NATIONAL WILDLIFE REFUGE COASTAL PLAIN TO PROVIDE FOR FUTURE U. S. ENERGY NEEDS.

WHEREAS, the United States currently depends on oil imports for nearly 40 percent of U. S. demand, with imports possibly making up 50 percent or more of domestic supplies in three to five years if current trends continue; and

WHEREAS, such heavy reliance on oil imports undermines national security, weakens the U. S. economy, costs American jobs and worsens the trade deficit; and

WHEREAS, such overdependence on foreign oil is particularly dangerous at a time of continuing political turmoil and terrorism throughout the Middle East; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) could regain its control over world oil prices, thereby subjecting U. S. consumers to sharply rising prices and a return to the severe energy disruptions of the 1970s; and

WHEREAS, it is in the nation's economic and security interests to take steps now to encourage increased domestic energy production and reduced dependence on oil imports from insecure foreign sources; and

WHEREAS, in its recent draft report to Congress, the U. S. Department of the Interior stated that the Arctic National Wildlife Refuge coastal plain "is clearly the most outstanding oil and gas frontier remaining in the United States, and could contribute substantially to our domestic energy supplies," and proposed that the coastal plain be opened to leasing; and

WHEREAS, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

WHEREAS, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for development of the resources of the Arctic National

Wildlife Refuge coastal plain to provide for future U. S. energy needs and to reduce the dangerous overdependence on oil imports.

BE IT FURTHER RESOLVED, That we urge the Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

RESOLVED FURTHER, That copies of this resolution be forwarded to the members of the Alabama Congressional Delegation.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-84 S.J.R. 26—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING HUGH AKERS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Hugh Akers to the citizens of Marion County, Alabama, and to the Marion County Commission; and

WHEREAS, prior to retirement in January 1987, Mr. Akers served the commission for a period of 32 years and six months, a distinguished tenure marked in achievement, and in accomplishments on behalf of all citizens of Marion County; and

WHEREAS, Mr. Akers, as a dedicated public servant, was a member of the commission for 12 years and, for 20 years and six months, was an employee of the commission; and

WHEREAS, on the occasion of Mr. Akers' retirement, he was honored at a special luncheon and ceremonies at the Marion County Courthouse, which were attended by numerous family members, friends and colleagues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Marion County, Alabama, in commending Hugh Akers for outstanding service to the Marion County Commission and direct that he receive a copy of this resolution of highest honor and esteem.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-85 S.J.R. 27—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING ELTON TOWNSEND ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service of Elton "Cotton" Townsend as Sheriff of Winston County, Alabama, for sixteen years, a dedicated tenure marked in achievement, and in accomplishments on behalf of all Winston County citizens; and

WHEREAS, a lifelong resident of the "Free State of Winston," Cotton Townsend was in the timber and sawmill business prior to his election to the office of Sheriff in 1950; he was subsequently reelected to three additional four-year terms for a total of sixteen years' faithful and exemplary service as his county's highest law enforcement officer; and

WHEREAS, Sheriff Townsend, who declined to run for a fifth term for reasons of health, was honored with a retirement party and numerous commendatory recognitions after leaving office in January 1987; he further has been honored by former Governor George Wallace and now Attorney General Don Siegelman with the designation of supernumerary sheriff; and

WHEREAS, Sheriff Cotton Townsend has indeed earned the many tributes of gratitude expressed by public officials, his associates and peers and by all Winston Countians whom he served so faithfully and for so many, many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as Sheriff of Winston County, Alabama, we hereby commend Elton "Cotton" Townsend, whom we hold in highest esteem and to whom a copy of this resolution shall be presented.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-86 S.J.R. 28—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING YVONNE MCCARLEY RAY OF HAMILTON, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, notes the selection of Yvonne McCarley Ray of Hamilton Elementary School as "Marion County Elementary Teacher of the Year"; and

WHEREAS, Mrs. Ray, who is a Hamilton native, is a graduate of the University of Alabama with the B.S. degree; she earned both her M.A. degree and AA certification from the University of North Alabama, and currently is completing a research project for a May 1987 Education Specialist degree, also from UNA; and

WHEREAS, a teacher in the Marion County School System for 17 years, Mrs. Ray began her career in January 1970 as a first grade teacher at Phillips Elementary School, transferring in the fall to Hamilton Elementary School where she has since served as a teacher for both third and fourth grade students; and

WHEREAS, the prestigious and recently bestowed Teacher of the Year Award indeed speaks highly of Mrs. Ray's professional dedication and proficiency; it further is a reflection of her sense of deep responsibility to her students and her educational philosophy of high expectations for both teachers and students alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and in praise of her accomplishments as a distinguished public school educator, we hereby commend Yvonne McCarley Ray of Hamilton, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-87 S.J.R. 29—Senator Dial

SENATE JOINT RESOLUTION

NAMING THE CLAY COUNTY LEARNING CENTER IN ASHLAND, ALABAMA, IN HONOR OF EMMA JEAN MCKINNEY AND THE LATE BILL MCKINNEY.

WHEREAS, the Clay County Learning Center was established through the instrumental efforts of Emma Jean McKinney and her husband, the late Bill McKinney, parents of a "special" daughter, Billie, who was born March 20, 1964, with Down's Syndrome; and

WHEREAS, when little Billie reached school age, her parents were hopelessly frustrated to learn that the public schools were ill-equipped to provide educational opportunities, within the system, for developing the potential of "delayed" learners; and

WHEREAS, it was thus that Billie was to attend school for just two hours daily in a crowded "mainstream" classroom, while her parents continued to seek help, and were soon to find that no help was available for the mentally retarded in the Clay County area of our state; and

WHEREAS, in 1972, however, they were encouraged by Mr. Marvin Dinsmore to organize a Clay County Association for Retarded Citizens and to seek funds available for such organizations as ARC for assisting the mentally and physically handicapped; and

WHEREAS, in June 1974, and to the credit of Emma Jean and Bill McKinney, who worked unceasingly for adequate funding and assistance, the Clay County Learning Center became a reality; and

WHEREAS, since that time, the center has served some 510 clients, many of whom went on to enter the public school system and, some, to obtain jobs; and

WHEREAS, it was therefore born of a desperate search by loving and concerned parents that Clay County now has an outstanding facility to provide assistance to area citizens who are mentally and/or physically handicapped; and

WHEREAS, it is the consensus of the Alabama Legislature that the dedicated efforts of Emma Jean and Bill McKinney, in establishing the Clay County Learning Center, should be recognized through appropriate and public honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to commemorate the accomplishments of Emma Jean and Bill McKinney on behalf of the mentally and physically handicapped, we hereby name and designate the Clay County Learning Center in Ashland, Alabama, the "McKinney Learning Center."

BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said center, and that a copy of this resolution be forwarded to Mrs. McKinney of Ashland, Alabama.

Approved May 20, 1987

Time: 7:25 A.M.

Act No. 87-88 S.J.R. 30—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING 1987 MERIT MOTHER OF THE YEAR, BENNIE JONES CANNON NOLEN OF FAYETTE, ALABAMA.

WHEREAS, Bennie Jones Cannon Nolen of Fayette, Alabama, has been named Fayette County's Merit Mother of the Year for 1987, a distinct honor that the Alabama Legislature notes with highest commendation and esteem; and

WHEREAS, a native of Fayette County, Mrs. Nolen is a graduate of Ward-Belmont Preparatory School in Nashville, and of the University of Alabama where she was a member of Alpha Gamma Delta social sorority and Phi Upsilon Omicron home economics honorary; she also served as president of Tuscaloosa City Panhellenic while residing in Tuscaloosa; and

WHEREAS, she and her husband, Jack M. Nolen, were married in 1949 while students at the University and they are the parents of six children: Theron, Kathy, Janet, Merrell, Pam and Laura; with the exception of Laura, who currently attends the University of Alabama, the Nolen's sons and daughters are graduates of the University, have earned or are in pursuit of advanced degrees, and are engaged in professional careers; and

WHEREAS, Bennie Nolen, in addition to her responsibilities as a devoted wife and mother, has extended her involvement over the years to include numerous activities related to the community, schools and church, having been a PTA member for 22 years and a member also of such organizations as the Boosters' Club, Band and Music Study Clubs and Progress Club II; and

WHEREAS, she further is a Fayette Arts Council Patron, has served on the Northwest Alabama Regional Mental Health Board, and is active in the First United Methodist Church where she has worked with Methodist Youth Fellowship, Bible School director, Sunday School superintendent, president of United Methodist Women and registrar of Tuscaloosa District UMW; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Bennie Jones Cannon Nolen as Fayette County's 1987 Merit Mother of the Year and direct that she receive a copy of this resolution, executed in sincere warm praise and highest regard.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-89 S.J.R. 31—Senators Dixon and Langford

SENATE JOINT RESOLUTION

COMMENDING THE FLOYD JUNIOR HIGH SCHOOL CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates the Floyd Junior High School Cheerleaders, Montgomery, Alabama, as 1986-87 National Champions, Junior High Division, by virtue of the team's first place finish in the National Cheerleaders Association's National Competition in Orlando, Florida, against 49 squads from 42 states; and

WHEREAS, under the talented direction and leadership of Sponsor Helen Sansom and Coach Bonnie McClure, the Floyd cheerleaders became eligible to participate in the Nationals for the fourth consecutive year by winning first place at a Jacksonville State University NCA Camp, competing with 58 schools, both high school and junior high, from a four-state area; and

WHEREAS, sharing the credit and glory of a National Championship are cheerleaders Amy Allen, Shallene Austin, Kelli Billingsley, Jill Birchfield, Mitzi Cochran, Robyn D'Olimpio, Bliss Hawthorne, Michelle Hidle, Gina Lassiter, Jennifer Mills, Michelle Mills, Pam Noble, Patricia Noble, Jennifer Prine, Kim Rhodes and Keisa Sharpe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we hereby most heartily congratulate the Floyd Junior High School Cheerleader Team, Montgomery, Alabama, as National Champions of the Junior High School Division and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-90 S.J.R. 32—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING FAYETTE COUNTY DEPUTY SHERIFF JOE STOUGH FOR DISTINGUISHED PERFORMANCE OF DUTY.

WHEREAS, the Legislature of Alabama notes with highest honor and esteem the lifesaving actions of Fayette County Deputy Sheriff Joe Stough on October 3, 1986; and

WHEREAS, it was on that date that Deputy Stough and his partner were called to the scene of a shooting incident in the Berry High School parking lot that had left a young woman critically wounded and on the point of death; and

WHEREAS, upon arriving at the scene, Deputies Stough and Harold Pendley rushed immediately to the victim's aid, administering the necessary emergency treatment that was to save her life; and

WHEREAS, gravely wounded by two shotgun blasts to the face, and from point blank range, the victim was literally choking on her own blood; by applying pressure bandages to her wounds, however, and inserting an airway to clear her throat, officers Stough and Pendley managed to keep the victim alive until the ambulance arrived and she was transported to the hospital; and

WHEREAS, Deputy Joe Stough and his partner are deserving indeed of highest praise and honor, both for their willingness to "become involved" and for reacting to the emergency at hand with a calm and confidence that was entirely in keeping with their professionalism as exemplary officers of the law, and in a manner that attests to their training as certified EMTs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding performance of duty and for his lifesaving actions on October 3, 1986, we hereby commend Fayette County Deputy Sheriff Joe Stough, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-91 S.J.R. 33—Senators Langford and Dixon

SENATE JOINT RESOLUTION

COMMENDING ANTHONY P. VOYLES OF MONTGOMERY, ALABAMA, 1987 MARCH OF DIMES NATIONAL AMBASSADOR.

WHEREAS, the Legislature of Alabama notes with pride and pleasure the selection of young Anthony P. Voyles of Montgomery as the 1987 March of Dimes National Ambassador; and

WHEREAS, Tony Voyles, the eleven-year-old son of Palmer and Dona Voyles and a sixth grade student at Maxwell Elementary School, was born with congenital transverse hemimelia, a condition that affects some 1,500 infants born annually in the United States; as a result of his right arm ending at the elbow, Tony has worn a prosthesis since infancy; and

WHEREAS, despite his handicap, Tony is an outstanding athlete who enjoys such sports as swimming, soccer and football; he also is now a golfer having participated this past year in several March of Dimes tournaments throughout the country; and

WHEREAS, Tony Voyles, with the support and encouragement of his family, has been a March of Dimes volunteer since 1984 in his role as the North Carolina State Poster Child; he later served as a Special Ambassador, appearing on BornAmerica, the 1986 March of Dimes television event, along with numerous national celebrities; and

WHEREAS, Tony, through these experiences, is well prepared indeed to serve as National Ambassador and we share the honor and pride of his selection with his parents and sister, Tanya, as well as with all citizens of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Anthony P. Voyles as the 1987 March of Dimes National Ambassador, and for his many volunteer efforts and activities with the March of Dimes in the organization's mission of preventing birth defects, the number one child health problem in America.

BE IT FURTHER RESOLVED, That in token of our deep admiration and regard, copies of this resolution shall be presented to Tony and his family.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-92 S.J.R. 34—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING HUGO STONE FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished service rendered by Hugo Stone to the

citizens of Marion County, Alabama, and to the Marion County Commission; and

WHEREAS, prior to retirement as a dedicated public servant in January 1987, Mr. Stone served as a member of the commission for a period of 12 years, a distinguished tenure marked in achievement, and in accomplishments on behalf of all citizens of Marion County; and

WHEREAS, on the occasion of Mr. Stone's retirement, he was honored at a special luncheon and ceremonies at the Marion County Courthouse which were attended by numerous family members, friends and colleagues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Marion County, Alabama, in commending Hugo Stone for outstanding service to the Marion County Commission and direct that he receive a copy of this resolution of highest honor and esteem.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-93 S.J.R. 36—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING BRADY BACCUS FOR DISTINGUISHED SERVICE TO THE MARION COUNTY COMMISSION.

WHEREAS, the Legislature notes with highest commendation the distinguished service rendered by Brady Baccus to the citizens of Marion County, Alabama, and to the Marion County Commission; and

WHEREAS, prior to retirement in January 1987, Mr. Baccus served the commission for a period of 31 years and seven months, a distinguished tenure marked in achievement, and in accomplishments on behalf of all citizens of Marion County; and

WHEREAS, Mr. Baccus, as a dedicated public servant, was a member of the commission for 20 years, including eight years as chairman, and was employed by the commission for 11 years and seven months; and

WHEREAS, on the occasion of Mr. Baccus' retirement, he was honored at a special luncheon and ceremonies at the Marion County

Courthouse, which were attended by numerous family members, friends and colleagues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Marion County, Alabama, in commending Brady Baccus for outstanding service to the Marion County Commission and direct that he receive a copy of this resolution of highest honor and esteem.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-94 S.J.R. 38—Senators Bennett, Parsons, Cabaniss, Hilliard, Horn, Dial, Bailey, Barron, Bedford, Bedsole, Bishop, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Holmes, Langford, Manley, Menton, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

WELCOMING EMILY ELIZABETH AMARI.

WHEREAS, the population of metropolitan Birmingham increased by 1 to 911,051 on May 1, 1987 with the birth of Emily Elizabeth Amari; and

WHEREAS, young Emily's parents, State Senator John Amari and Terri Amari, were extremely pleased to welcome the 8 pound 10 ounce addition to their "growing" family as well as older sisters and brothers, Katie, Johnny, Joseph and Mary; and

WHEREAS, Emily's arrival at 10:25 A.M. Friday was also widely noted in Jefferson County's Italian community, which thanks to the Amaris, is undergoing rapid expansion; and

WHEREAS, potential opponents of the two-term Senator were heard to say the Amari family voting bloc was becoming too much of an obstacle to tackle; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we hereby extend our congratulations to John and Terri Amari on the birth of young Emily; and

BE IT FURTHER RESOLVED, That it wishes only the best for Jefferson County's newest resident throughout her lifetime.

Approved May 20, 1987

Time: 7:20 A.M.

Act No. 87-95 H.J.R. 137—Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 7, 1987, we adjourn to meet again on Tuesday, May 12, 1987.

Approved May 20, 1987

Time: 7:15 A.M.

Act No. 87-96 H.J.R. 153—Reps. Grouby, Kvalheim and Flowers

HOUSE JOINT RESOLUTION

HONORING RALPH WYATT ADAMS OF TROY, ALABAMA.

WHEREAS, Dr. Ralph Wyatt Adams, a native Alabamian, has distinguished himself throughout a long and illustrious career of public service on the national, state and local levels; and

WHEREAS, for a large part this service has been given to the State of Alabama and cities and communities therein; and

WHEREAS, Dr. Adams married an Alabamian, Dorothy Kelly of Evergreen, and together they have raised a family now making their own significant contributions to the State of Alabama; and

WHEREAS, Dr. Adams was educated in the secondary schools of Alabama and advanced his knowledge by obtaining his undergraduate degree from Birmingham-Southern College and completing law school at the University of Alabama; and

WHEREAS, he set an example to those he would lead by doing additional graduate work at George Washington University, The

University of Colorado, Harvard and Oxford University in England; and

WHEREAS, he was a practicing attorney in the State of Alabama from 1940-1942; and

WHEREAS, he entered the Army Air Corps in 1942 and served until 1945; and

WHEREAS, in 1945 Dr. Adams served the State of Alabama and Governor Chauncy Sparks as Deputy Insurance Superintendent; and

WHEREAS, in 1946 Dr. Adams served the legal interests of the State of Alabama as judge in Tuscaloosa County Court; and

WHEREAS, in 1949 this distinguished Alabamian was again called to serve his country on active duty with the United States Air Force and this active military career continued for more than 20 years; and

WHEREAS, while on duty in the Judge Advocate General's Department, Dr. Adams served as Assistant Dean and Acting Dean of the Air Force Law School, Air University in Alabama, and was appointed Alabama State Selective Service Director by President John F. Kennedy in 1963; and

WHEREAS, after separation from active military service, Dr. Adams continued serving his country in the United States Air Force Reserve and the Alabama National Guard ultimately attaining the ranks of Brigadier and Major General respectively; and

WHEREAS, he was appointed President of Troy State College in 1964 by the State Board of Education and, through his leadership for twenty-three years, Troy State has become the multi-purpose Troy State University System with international branches and influence; and

WHEREAS, he further served his state by providing a leadership role on important boards such as the State Personnel Board, the State Insurance Board, and the State Oil and Gas Board; and

WHEREAS, in 1975 he was appointed a member of the Presidential Clemency Board by President Gerald Ford; and

WHEREAS, Dr. Adams was appointed by President Ronald Reagan in 1984 to the U.S. Department of Education Appeal Board; and

WHEREAS, The Exxon Education Foundation has selected Dr. Adams as one of the most 100 effective college presidents in the United States and these presidents represent approximately three

percent of the top administrative officers of U.S. colleges and universities; and

WHEREAS, he has served education, his community, state and nation on a variety of boards, committees and in various leadership roles and is now the senior university president in the State of Alabama; and

WHEREAS, The Troy State University Board of Trustees honored him by naming him Chancellor of the Troy State University System in 1986; and

WHEREAS, under his leadership, Troy State University is celebrating its Centennial with the theme of "The Best Is Yet To Be"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to Dr. Ralph Wyatt Adams for outstanding and unparalleled service to this State, to Troy State University, and to his country throughout his lifetime.

BE IT FURTHER RESOLVED, That we wish for Dr. Adams that the best is truly yet to be in all his endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Chancellor Ralph Wyatt Adams and his family, individual members of the Troy State University Board of Trustees, and members of the press.

Approved May 20, 1987

Time: 7:15 A.M.

Act No. 87-97 H. 83—Rep. McKee

AN ACT

To amend Sections 3.02 and 4.02 of Act 618, H. 796, 1973 Regular Session of the Alabama Legislature (Acts 1973, p. 879, et seq.) as amended, relating to the Mayor-Council form of government in certain cities classified on a population basis, so as to provide further for certain procedures relating to declaring candidacy for certain offices in the City of Montgomery in Montgomery County, Alabama, and to provide for retroactive effect to April 1, 1987.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3.02 and 4.02 of Act 618, H. 796, (Acts 1973, p. 879) as amended, are hereby further amended to read as follows:

"3.02. STATEMENT OF CANDIDACY. Any person desiring to become a candidate at any election for the offices of councilperson

may become such a candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he/she desires to be a candidate. Such statement shall be filed no earlier than the fourth (4th) Tuesday in August and no later than the fourth (4th) Tuesday in September preceding the election, and shall be in substantially the following form:

" 'State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County and reside at _____ in said City of _____, that I desire to become a candidate for the office of district councilman for the _____ district, in said city at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____. Subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____, Judge of Probate.' Said statement shall be accompanied by a qualifying fee in the amount of $100.00, (which fee shall be paid over by the judge of probate to the general fund of the city), or a petition of at least 200 signatures of registered voters in said council district. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For Members of the Council.' No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth. No ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman and candidates shall be nominated only as hereinabove provided."

"4.02. STATEMENT OF CANDIDACY. Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by a petition signed by one-fourth

of one percent of the registered voters of such city endorsing the candidacy of such candidate and by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he/she desires to be a candidate. Such statement shall be filed no earlier than the fourth (4th) Tuesday in August and no later than the fourth (4th) Tuesday in September preceding the election, and shall be in substantially the following form:

" 'State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County, and reside at _____ in said city of _____, that I desire to become a candidate for the office of mayor in said city at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____, Judge of Probate.' Said statement shall be accompanied by a qualifying fee in an amount equal to $300.00 which qualifying fee shall be paid over by the judge of probate to the general fund of the city; provided, however, that if a person desiring to qualify as a candidate cannot afford to pay the qualifying fee, he/she may submit, in lieu of said fee, a signed affidavit to that effect accompanied by a petition requesting his/her candidacy signed by not less than ¼ of one percent of the registered voters qualified to vote in the mayoral election, as determined by the judge of probate. At every such election on ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For Mayor.' No names shall appear upon said ballot as a candidate for election except the names of such persons as have been candidates according to provision as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nominations of candidates for the office of mayor and candidates shall be nominated only as hereinabove provided."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This amendatory act shall have retroactive effect to April 1, 1987.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-98 H. 90—Rep. Johnson (RW)

AN ACT

To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 1 (being all that part of the said County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Amendment No. 3" means that certain amendment to the Constitution that was proposed by Act No. 60 enacted at the 1915 Regular Session of the Legislature of Alabama.

"Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

"Commission" means Tuscaloosa County Commission or other governing body of the County.

"Constitution" means the Constitution of Alabama of 1901.

"County" means Tuscaloosa County, Alabama.

"Special School District Tax" means the special ad valorem tax for public school purposes that is authorized in Section 2 of Amendment No. 3 to be levied and collected on taxable property in Tuscaloosa County School District No. 1.

"Tuscaloosa County School District No. 1" means the special school tax district in the County which consists of all that part of the County lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, as such school tax district now exists or as it may be hereafter formed.

Section 2. The County is presently authorized to levy and collect the Special School District Tax at a rate of $.40 on each one hundred dollars (4 mills on each dollar) of assessed value pursuant to Amendment No. 3 and proceedings heretofore taken by the Commission under Amendment No. 373. Pursuant to a resolution adopted by the Commission in accordance with the provisions of Amendment No. 373, the County proposes to increase the rate at which the Special School District Tax is levied to a maximum rate, for any tax year of the County, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution heretofore adopted by the Commission after a public hearing, the Commission is hereby authorized to increase the rate at which the County is authorized to levy and collect the Special School District Tax to a maximum rate, for any tax year of the County, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 4. The limitation on the maximum rate of the Special School District Tax contained in the preceding Section 3 of this act, shall not be construed to prohibit a subsequent increase in the rate at which the Special School District Tax may be levied pursuant to the provisions of subsection (f) of Amendment No. 373 or any subsequent amendment to the Constitution authorizing an increase in the rate at which the Special School District Tax or ad valorem taxes in general are authorized to be levied.

Section 5. The increase in the rate at which the Special School District Tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in Tuscaloosa County School District No. 1 who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 6. This act shall become effective when it is signed by the Governor or upon its otherwise becoming law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-99 H. 91—Rep. Johnson (RW)

AN ACT

To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said County known as School District No. 2 (being all that part of the said County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the County which is under the jurisdiction and control of the Tuscaloosa City Board of Education), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Amendment No. 3" means that certain amendment to the Constitution that was proposed by Act No. 60 enacted at the 1915 Regular Session of the Legislature of Alabama.

"Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

"Commission" means Tuscaloosa County Commission or other governing body of the County.

"Constitution" means the Constitution of Alabama of 1901.

"County" means Tuscaloosa County, Alabama.

"Special School District Tax" means the special ad valorem tax for public school purposes that is authorized in Section 2 of Amendment No. 3 to be levied and collected on taxable property in Tuscaloosa County School District No. 2.

"Tuscaloosa County School District No. 2" means the special school tax district in the County which consists of all that part of the County lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and the following described territory which is under the jurisdiction of the Tuscaloosa City Board of Education: Begin at the intersection of the Black Warrior River and the eastern

boundary of Section 13, Township 21 South, Range 10 West; thence run South along the eastern boundary of Sections 13, 24, 25 and 36, Township 21 South, Range 10 West, to the Southeast corner of Township 21 South, Range 10 West; thence run West along the South boundary line of said Township 21 South, Range 10 West, to the Southwest corner of said Township 21 South, Range 10 West; run thence southward along the eastern boundary of Township 22 South, Range 11 West, to the Southeast corner of Section 12, Township 22 South, Range 11 West; run thence westward along the Southern boundaries of Sections 12, 11, 10 and 9, all in Township 22 South, Range 11 West, to the Black Warrior River; run thence up the Black Warrior River following the meanderings thereof to the point of beginning, as such school tax district now exists or as it may be hereafter formed.

Section 2. The County is presently authorized to levy and collect the Special School District Tax at a rate of $.40 on each one hundred dollars (4 mills on each dollar) of assessed value pursuant to Amendment No. 3 and proceedings heretofore taken by the Commission under Amendment No. 373. Pursuant to a resolution adopted by the Commission in accordance with the provisions of Amendment No. 373, the County proposes to increase the rate at which the Special School District Tax is levied to a maximum rate, for any tax year of the County, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution heretofore adopted by the Commission after a public hearing, the Commission is hereby authorized to increase the rate at which the County is authorized to levy and collect the Special School District Tax to a maximum rate, for any tax year of the County, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 4. The limitation on the maximum rate of the Special School District Tax contained in the preceding Section 3 of this act, shall not be construed to prohibit a subsequent increase in the rate at which the Special School District Tax may be levied pursuant to the provisions of subsection (f) of Amendment No. 373 or any subsequent amendment to the Constitution authorizing an increase in the rate at which the Special School District Tax or ad valorem taxes in general are authorized to be levied.

Section 5. The increase in the rate at which the Special School District Tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in Tuscaloosa County School District No. 2 who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 6. This act shall become effective when it is signed by the Governor or upon its otherwise becoming law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-100 H. 218—Rep. Reed

AN ACT

Relating to Bullock County; to authorize the Bullock County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such county not to exceed three cents (3¢) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Bullock County Commission to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commission of such county for the collection of said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the following terms shall have the respective meanings ascribed by this section:

(1) COUNTY. Bullock County.

(2) COMMISSION. The Bullock County Commission.

(3) GASOLINE. Gasoline, gasohol, naphtha and other liquid motor fuels or any device or substitute therefor commonly used in internal combustion engines; provided, that such term shall not be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil" when used for lighting, heating or industrial purposes.

(4) MOTOR FUEL. Diesel oil, tractor fuel, gas oil, distillate, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in any county for use in the operation of any motor vehicle upon the highways of this state.

(5) PERSON. Persons, corporations, copartnerships, companies, agencies, associations, incorporated or otherwise, singular or plural.

(6) DISTRIBUTOR. Any person who engages in the selling of gasoline or motor fuel in this state by wholesale domestic trade, but shall not apply to any transaction of such distributor in interstate commerce.

(7) REFINER. Any person who manufactures, distills, blends, compounds or mixes any one or more products in the production of gasoline or motor fuel as herein defined.

(8) RETAIL DEALER. Any person herein defined as a distributor who is also engaged in the selling of gasoline or motor fuel in this state at any place in this state in broken quantities.

(9) STORER. Any person who ships or causes to be shipped or receives gasoline or motor fuel into this state in any quantities and stores the same in any manner and withdraws or uses the same for any purpose.

(10) USER. Any person who uses or consumes gasoline or motor fuel in this state in any manner or for any purpose; provided, that the term "user" is not to include any refiner who has a refinery or refineries located within the state of Alabama when using gasoline or motor fuel in the manufacturing or refining process, or any person who holds a federal permit to blend motor fuels under the federal law and statutes and who pays the federal excise tax on such motor fuels directly to the federal government, when such person uses gasoline in this state in such blending process.

Section 2. The Bullock County Commission is hereby authorized to impose excise taxes on persons selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline and motor fuel within such county not to exceed three cents (3¢) per gallon and to require every distributor, retail dealer or storer of gasoline or motor fuel as herein defined to pay such excise taxes upon the selling, distributing or withdrawing from storage for any use, gasoline and motor fuel as herein defined in such county; provided that excise taxes levied pursuant to the provisions of this Act shall not be levied upon the sale of gasoline or motor fuel in inter-state commerce, and provided further that if the excise tax imposed under this Act upon the sale of such gasoline or motor fuel shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the taxes shall not be paid but once. The excise taxes imposed pursuant to the provisions of this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline or motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline or motor fuel and its substitutes paying the taxes herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such taxes on the basis of their withdrawals or distributions. The taxes herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline or motor fuel or any device or substitute therefor, or on the business of selling, distributing,

storing or withdrawing from storage for any purpose, gasoline or motor fuel as herein defined; however, the county commission shall have no authority to levy any tax upon any gasoline or motor fuel as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, or the Government of the United States or any agency thereof.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the county commission of the county on forms prescribed by such county commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed pursuant to the provisions of this Act, and shall furnish to said county commission such additional information as such county commission may require upon blanks to be formulated and furnished by said county commission, and at the time of making such report shall pay to the said county commission an amount of money equal to the excise tax levied under this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than three years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline and motor fuel made in such county taxed under this Act.

Section 5. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline or motor fuel in such county shall make a report on blanks furnished under Section 2 hereof to the county commission of such county, showing the place and post-office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline or motor fuel within such county, which information shall be entered by the county commission of such county on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said county commission of such removal, giving the former place and post-office address and also the place and post-office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor,

storer or seller of gasoline or motor fuel in such county until he shall have made such reports to the such county commission.

Section 6. If any distributor, storer or retail dealer of gasoline or motor fuel in such county shall fail to make the reports or any of them as required in any provision of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the county commission of such county, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punished for each offense as otherwise provided by law.

Section 7. It shall be the duty of the county commission of such county to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided however, upon resolution of the county commission the State Department of Revenue is hereby authorized and directed to collect all taxes now or hereafter levied by such county under the provisions of this Act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and hereby are directed to pay the same over to the Department and such payment shall be a full and complete discharge of all liability therefor to the county. The Department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The Department is authorized to recover all costs of collecting such taxes, not to exceed 5% of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to the county.

Section 8. If any distributor, storer or retail dealer in gasoline or motor fuel shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the county commission of the said county a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said county commission shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed pursuant to the provisions of this Act, the county commission of said county shall issue execution for the

collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the county commission issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to such county by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said county by the Attorney General of the State of Alabama, or by such counsel as the county commission of said county shall direct, from distributing, selling, storing or withdrawing from storage any gasoline or motor fuel the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in such county shall report to the county commission of said county on the first day of January, April, July and October of each year all shipments of gasoline or motor fuel as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in such county during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or motor fuel or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into the general fund of the county treasury for use by the county commission for any purpose for which the general funds of the county may now be used by law and for payment of the costs incurred in the administration and enforcement of this Act.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-101 H.J.R. 189—Rep. Dillard

HOUSE JOINT RESOLUTION

COMMENDING THE 1986-87 LAWRENCE COUNTY HIGH SCHOOL BAND FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in highest commendation, the Legislature of Alabama notes the many outstanding accomplishments of the 1986-87 Lawrence County High School Band; and

WHEREAS, under the leadership of Band Director Freddie Meadows, the Lawrence County High School Band, 96 members strong, distinguished themselves in prestigious Fall competitions such as the Columbia Invitational and the Music City International held in Columbia, Tennessee, and at the Northwest Alabama Marching Classic in Russellville, Alabama; and

WHEREAS, ratings received in these respective competitions by the talented marching musicians from Moulton included 1st Place in Class 2A Preliminary, 3rd Place in the Open Class finals and Superior ratings for the Color Guard and Drum Line; 2nd Place in Class B Preliminary, 5th in the Open Class finals and Superior ratings, once again, for the Color Guard and Drum Line; in Russellville, LCHS was 1st in Class 3A, 1st Overall, and the Drum Major and Drum Line were named the Best in the Contest; and

WHEREAS, we further note with praise that, in Spring of 1987 competition, the band received Superior ratings from all judges in the Alabama Bandmasters Association District Concert Band Festival; in Knoxville, Tennessee, at the Dogwood Arts Festival and competing in Grade IV, Lawrence County High won 1st Place in both Street Drill and Parade, and 2nd in Concert competition; and

WHEREAS, in addition to Director Meadows, the band staff includes Assistant Director Cynthia Kaylor and volunteer assistants Belinda Meadows, Dane Roberson, Bruce Gordon and Melissa Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement, we hereby most highly commend the Lawrence County High School Band and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-102 H. 358—Reps. Clark (W) and Buskey (JE)

AN ACT

Relating to any Class 5 municipality; providing for a referendum on the question of adoption of a mayor-council form of government with five single-member districts and a mayor to be elected at large; establishing the said forms of government; providing for the establishment of boundaries of five districts; and providing for penalties for violations of certain provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any Class 5 municipality in the State of Alabama.

Section 2. After the effective date of this act, the mayor or chief executive officer of any city to which this act applies may call a special election to be held in 1987, for the purpose of determining whether such city shall adopt the mayor-council form of government, and shall give notice of the time and purpose of such election by publication once each week for four consecutive weeks in a newspaper published in said city or in the nearest larger city. All qualified electors of such city may participate in said election, as provided by this act, and such questions shall be plainly printed upon the ballot as provided in Section 3. The election shall be conducted, the expenses paid, the votes canvassed and the results declared in the same manner as is or may be provided by law in other city elections. The proposal for which the majority of the votes cast shall be "yes," or in favor of such proposition shall thereby be adopted for such city, and the mayor or other chief executive officer shall transmit to the governor, to the secretary of state, and to the judge of probate of the county, a certificate stating that such proposition was adopted for such city.

Section 3. At such election the proposition to be submitted shall be printed in plain prominent type on ballots separate and distinct from ballots used for any other office or question and shall read as follows:

"Check one of the following:

"(1) Shall the Mayor-Council form of government, as provided by Act _____, be adopted for the City of _____?
Yes _____; or No _____.

The voter shall mark his ballot with a cross after the proposition which expresses his choice. If voting machines are used at any voting place in such election, the above proposition may, at the discretion of the election commission or other body or official having charge of the conduct of municipal elections in such city, be submitted as a separate proposition on voting machines so used.

Section 4. The election shall be held and conducted in accordance with the provisions of Title 11, of the Code of Alabama 1975, except as herein otherwise specifically provided. The expenses of any and all elections provided for in this act shall be paid by the city.

Section 5. If a majority of the qualified electors voting in the election provided herein vote in favor of a mayor-council form of government, the following provisions of this act shall be applicable.

Section 6. An election shall be held in 1988 at the regularly scheduled municipal election and the officials elected shall take office upon the expiration of the present official's term of office. Five council members to be elected by districts and a mayor to be elected at-large shall be elected and the expense thereof shall be paid by the municipality.

Section 7. Council candidates shall qualify as provided by law and shall have the qualification and eligibility set forth herein. Each voter in the election may cast one vote for a candidate from his district, and one vote for a candidate for mayor. Any district councilman candidate receiving a majority of the total votes cast from the district in which he is a candidate shall be elected as a district councilman in his district. In the event that a district councilman candidate should fail to receive such a majority, then another election shall be held upon the same day of the week three weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for each place upon the council to be filled in such run-off election and these candidates shall be the two who received the highest number of votes. The candidate or candidates for the council receiving the highest number of votes cast in the second election shall be elected, so that in the first and second elections five councilmen shall be elected. Regular municipal elections shall be held quadrennially thereafter under the same rules and regulations and in the same mode and manner as provided by law. The councilmen so elected shall take office upon the expiration of the terms of office of

the present municipal officeholders. Each councilman shall hold office for four years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office.

Section 8. The candidate for mayor receiving the largest number of votes for the office shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election no candidate received a majority of the votes cast for the office, then another election shall be held upon the same day of the week three weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for the office of mayor; and these candidates shall be the two who received the highest number of votes for said office at the first election.

Section 9. The mayor shall qualify and take office in the manner herein prescribed. The regular election for mayor shall be held quadrennially thereafter under the same rules and regulations and in the same mode and manner herein provided. The mayor elected at such regular election shall qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama. A mayor may succeed himself.

Section 10. When this mayor-council form of government becomes applicable to a city, said city shall continue as a municipal corporation, within the corporate limits as now established and as may hereafter be fixed in the manner prescribed by law, subject to all duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter or hereinafter be granted to it.

Section 11. The municipal government of any such city proceeding under this act shall be known as the "Mayor-Council form of government." Pursuant to the provisions and limitations of this act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the city shall be vested in the council elected as herein provided and hereinafter referred to as "the council," which shall enact ordinances, adopt budgets and determine policies. All powers of the city shall be exercised in the manner prescribed by this act, or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance.

Section 12. The city shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this state, together with all the implied powers necessary to carry into execution all the powers granted, and the provisions of this act.

Section 13. The council shall include five members who shall be known and elected as district council members. Such district council members shall be elected from districts which shall be, as near as practicable, of equal population according to the last federal decennial census. The probate judge of the county in which any such municipality is located shall divide the municipality into five districts which shall be homogeneous in area and shall not vary in population by over five percent. The boundaries as established by the probate judge shall be certified to the governing body of the municipality and shall be used for the election of members of the city council in the 1988 municipal election and for all council elections thereafter. Should any district established in the municipality for the election of council members be found by the probate judge, based on any future federal census, to vary by over five percent in population from any of the other districts, then the probate judge shall change, alter or rearrange the boundaries of said districts in such manner as to establish five districts which are homogeneous in area and have a population which does not vary by over five percent between said district.

Section 14. Any person desiring to become a candidate in any election for the office of district council member may become such candidate by filing in the office of the city clerk, a statement in writing as required by the general municipal election laws. Said statement shall be accompanied by a qualifying fee in the amount of $125.00, which fee shall be paid into the general fund of the city.

Section 15. No primary election shall be held for the nomination of candidates for the office of council member, and candidates shall be nominated only as provided herein. A person may also become a candidate for the office of council member by filing a verified pauper's oath with the city clerk, or by filing a verified petition containing an endorsement of candidacy by the signatures and addresses of 500 persons, each of whom is a registered voter residing in the city and within the district for which the individual intends to be a candidate for election to office, provided that no such signature may be obtained more than 12 months preceding the deadline for filing said statements.

Section 16. Every person who shall be elected or appointed to fill a vacancy in the office of council member shall, upon assuming office, qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of the State of Alabama.

Section 17. Councilmen shall be qualified electors of the city and, in the case of candidates for any district, they shall have been residents of the district which they represent for at least 90 days

prior to their election, shall reside in the district during their terms of office and shall have attained the age of twenty-one years. No councilman shall hold any other public office except that of notary public or member of the national guard or naval or military reserve, and all shall have been residents of the city for at least one year prior to their election. If the councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

Section 18. Each council member shall receive as compensation for his services the sum of $50.00 for each meeting of the council attended, and $400.00 per month. Said salaries shall be payable in monthly installments at the end of each month. The president of the council shall receive an additional stipend not to exceed $100.00 per month. Subsequent to the term of office of the mayor and councilmen elected hereunder, the mayor and each councilman shall receive as compensation for their services the sum established by the municipal governing body at least six months prior to the date of the regular election, but in no event shall salaries be set above those as specified in this act.

Section 19. The president of the council shall be elected by the members of the council and shall serve the regular two-year term and may be re-elected for another two-year term. He shall preside at all meetings of the council and shall be a voting member. If a vacancy shall occur in the office of the president of the council, the council shall elect a successor to the president.

Section 20. The vice-president of the council shall be elected by the members of the council and shall serve a two-year term and may be re-elected for another two-year term. The vice-president will serve in the absence of the president. If a vacancy shall occur in the office of the vice-president of the council, the council shall elect a successor to the vice-president.

Section 21. All legislative powers of the city, including all powers vested in it by this act, by the laws, general and local, of the state, and by the Code of Alabama 1975, as amended, and the determination of all matters of legislative policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(1) Upon recommendation of the mayor, establish administrative departments and distribute the work of divisions;

(2) Adopt the budget of the city;

(3) Authorize the issuance of bonds or warrants;

(4) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;

(5) Appoint the members of all boards except the Planning Commission and the Housing Board and the Industrial Development Authority;

(6) Succeed to all the powers, rights and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this act; and

(7) Levy property, sales and license taxes and local improvement assessments.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from office, or in any manner take part in the appointment or removal of officers and employees in the administrative service to the city. Except for the purpose of inquiry, the members of the council shall deal with the administrative service only through the mayor. Members of the council shall not give orders to any subordinates of the mayor, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

Section 22. Vacancies of any nature in the council other than those occurring less than one year prior to the date of the next regular council election, shall be filled by special elections to be held for that purpose, the dates of which shall be set by the council at the next regular meeting or any subsequent meeting of the council after such vacancy occurs, such dates to be set no later than 120 nor less than 45 days after the occurrence of such vacancies. Such elections shall be held in the same manner and subject to the same procedures as regular council elections and the person so elected shall hold office for the remainder of the unexpired term. Such election shall be held in conjunction with a general, special or constitutional election, if any falls within the period herein specified; otherwise a special election shall be called by the mayor on the date set by the council and shall be held in accordance with the provisions of this act and the general laws applicable to such city.

If a vacancy occurs after reapportionment has changed the district boundaries but before the new districts take effect, the old district boundaries will remain in effect for filling that vacancy.

Vacancies where less than one year remains of the unexpired term shall be filled by appointment by the council.

Section 23. The council, upon recommendation of the mayor, by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established

or continued by this act. The council, upon recommendation of the mayor, by ordinance may assign additional functions or duties to offices, departments or agencies established by this act, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this act to a particular office, department or agency.

Section 24. The city clerk serving under the merit system at the time that this act becomes effective shall continue to hold office as the city clerk under the mayor-council form of government of such city, and his successor shall be selected and hold office subject to the provisions of such merit system. The city clerk shall give notice of special or called meetings of the council, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for such purpose all ordinances and resolutions and shall perform such other duties as shall be required by this act, or by ordinance, or such duties as are imposed by general law of Alabama upon city clerks.

Section 25. The first meeting of each newly elected council for induction into office shall be held at ten o'clock in the morning on the first Monday after the expiration of the term of office of the present municipal officeholders, after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once a week. All meetings of the council shall be open to the public.

Section 26. The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Section 27. The council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to public inspection.

Section 28. The council shall hold regular public meetings weekly, day or night, at a regular hour to be fixed by said council from time to time and publicly announced; it may hold such special or other meetings as the business of the city may require. The presence of three council members will constitute a quorum for the conduct of official council business. The affirmative vote of at least three members of the council shall be sufficient for the passage of any resolution, by-law ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this act or by-law, or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose,

providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature, shall be enacted except at a regular or special public meeting of said council. Every ordinance introduced at any and every meeting shall be in writing and shall be read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded; provided that if the vote of all council members present be unanimous, it may be so stated in the journal without recording the yeas and nays. A record of the proceedings of every meeting of the council shall be kept, and every resolution or ordinance passed by the council must be recorded, and the record of the proceedings of the meeting shall, when approved by the council, be signed by the president of the council and the city clerk. Such records shall be kept available for inspection by all citizens of such city during regular business hours. No ordinance of permanent operation shall be considered at the meeting at which it was introduced except by unanimous consent of all members of the council present, and such unanimous consent shall be entered upon the minutes of said meeting; provided, however, that if all members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced. All ordinances or resolutions of a permanent nature, after having been passed by the council, shall be transmitted by the clerk within 48 hours after their passage to the mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the clerk, who shall publish them, if publication thereof is required, and such ordinances and resolutions shall thereupon become effective and have the force of law. Delivery to the office of the mayor shall constitute delivery to the mayor. An ordinance or resolution may be recalled from the mayor at any time before it has become law, or has been acted on by him, by a resolution adopted by a majority of the members elected to the council in regular or special session. If the mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall, within 10 days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make a report thereof to the next regular meeting of the city council; and if four members elected to the said council at said meeting adhere to said ordinance or resolution, notwithstanding said objections, said vote being taken by yeas and nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall after publication thereof, if publication is required, have the force of law. If publication of said ordinance or resolution is not required, it shall take effect upon its passage over such veto. The failure of the mayor to return to the city clerk an ordinance or resolution with his veto within 10 days after its passage by the council shall operate and have the same effect as an approval of the

same, and the city clerk, if publication is required, shall publish the same as is herein provided for publication of laws and ordinances of said city. If no publication is required, the ordinance or resolution shall become effective upon the expiration of said 10 days. These provisions are subject to the publication of ordinances as set out in section 11-45-8, Code of Alabama 1975. Anything in this section to the contrary notwithstanding, the mayor shall not have the power of veto over any action of the council relating to an investigation as provided herein.

Section 29. No resolution or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares or public way of said city, either in, under, upon, along, through or over same shall take effect and be enforced until 30 days after the final enactment of same by the council and publication of said resolution or ordinance in full once a week for three consecutive weeks in one or more newspapers of general circulation published in said city or, if no such newspaper exists then by posting notices in three public places, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution or ordinance or during the time intervening between its final passage, and the expiration of the 30 days during which publication shall be made as above provided, the qualified voters of said city may, by written petition addressed to said council, object to such grant, and if during such period such written petition signed by at least 10 percent of the qualified voters of the city shall be filed with said council, said council shall forthwith order an election, which shall be conducted by the election commission of the city or official charged with the duty of conducting elections therein, at which election the qualified voters of said city shall vote for or against the proposed grant as set forth in the said resolution or ordinance. In the call for said election, the said resolution or ordinance making such grant shall be published at length and in full at the expense of the city in one or more newspapers of general circulation published in said city or nearest larger city by one publication and by posting said notice in three public places within the city. If a majority of the votes cast at such election shall be against the passage of said resolution or ordinance, then said resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, as the result of said election, said resolution or ordinance shall not become effective, then it shall be the duty of said council, after the results of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other

right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public ways of any such city, shall be made or given, nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the council at some regular or special meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided. It is expressly provided, however, that the provisions of this section shall not apply to the grant of side track or switching privileges to any railroad for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided, further, that said track or switch shall not extend for a greater distance than 1,320 feet.

Section 30. The council may provide for the revision and codification of its ordinances, by-laws and permanent resolutions, or for the adoption of a code or codes by ordinance. Such code or codes and the revisions or amendments thereof may relate to the whole system of city by-laws, ordinances and permanent resolutions, or may relate to that portion of such ordinances, by-laws and permanent resolutions which relate to, affect or purport to govern any particular subject of municipal legislation. The council shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer of said city by posting or by publication, one or all, but it shall not be necessary unless so prescribed by the council for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers unless such codes, revisions, or amendments include theretofore unpublished substantial changes, in which case such changes along with at least so much of the context thereof as is necessary to convey the meaning of such changes shall be published in accordance with then existing state law. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes, but they will be noted in the minutes. The council may prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading at length the same on the minutes; and the council may prescribe the manner in which copies of such code or codes, revisions or amendments thereto, may be officially certified for use by the residents or by the courts. The council may adopt and provide for the maintenance in a designated office of the city of a comprehensive zone map of the city open for inspection by the public at all reasonable times, and may make such zone map a part of any ordinance by reference thereto in such ordinance and without publication of such

zone map in any newspaper. Such zone map need not be in one piece but may for convenience be in sections. A zone map of territory newly added to the city shall be treated as a comprehensive zone map of the city for purposes of application of the provisions of the preceding sentence. These provisions are subject to the publication and recordation of ordinances as set out in section 11-45-8, Code of Alabama 1975.

Section 31. The mayor shall each month print a detailed statement of all receipts and expenses of the city, and shall furnish printed copies thereof to the daily newspapers of the city, other members of the news media of the city, and to persons who apply therefor. At the end of each year, the mayor shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state examiners, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made more than two years in succession by the same accountant.

Section 32. Any person desiring to become a candidate in any election for the office of mayor may become such candidate by filing in the office of the city clerk a statement in writing of such candidacy as required by the general municipal election laws. Said statement shall be accompanied by a qualifying fee in the amount of $350.00, which qualifying fee shall be paid into the general fund of the city.

Section 33. No primary election shall be held for the nomination of candidates for the office of mayor, and candidates shall be nominated as herein provided. A person may also become a candidate for the office of mayor by filing a verified pauper's oath with the city clerk, or by filing a verified petition containing an endorsement of candidacy by the signatures and addresses of 2,000 persons, each of whom is a registered voter residing in the city, provided that no such signature may be obtained more than 12 months immediately preceding the deadline for filing said statements of candidacy.

Section 34. The mayor shall be a qualified elector, and shall have been a resident of the city at least 90 days prior to the election and shall reside within the city during his term of office and shall have attained the age of 25 years.

Section 35. The mayor elected hereunder shall receive an annual salary of $35,000.00. Thereafter, the mayor's salary shall be established as provided in Section 18 of this act, but in no event shall said salary be more than $35,000.00. Additionally, the mayor shall receive an expense allowance in the amount of $300.00 per month.

Section 36. Whenever any vacancy in the office of mayor shall occur by reason of death, resignation, removal or any other cause, the president of the council shall assume the duties of the office of mayor effective on the date such vacancy occurs and shall serve as acting mayor until a new mayor is elected and qualified as herein provided. The acting mayor shall receive no compensation, expenses or allowances as a council member while acting as mayor, but he will receive the same rate of pay and allowances provided for the mayor whose vacated office he fills, and the compensation received for days of service as acting mayor shall not be counted in determining the maximum annual per diem compensation permitted council members. While the president of the council is serving as acting mayor he may attend council meetings but may not vote on any matters before the council. The council shall within 10 days of the occurrence of the vacancy in the office of the mayor call a special election to fill such vacancy, such election to be held in accordance with general municipal election laws. The successor to the mayor chosen at any such election shall qualify for office as soon as practicable thereafter, and shall assume the duties, responsibilities and powers of such office immediately upon such qualification, and shall hold office for the unexpired term of his predecessor and until his successor is elected and qualified.

Section 37. All executive powers of the city shall be vested in the mayor and the mayor shall be the head of the executive and administrative branches of the city government. He may attend council meetings but may not vote in its proceedings and he shall have the power and duties herein conferred. The mayor shall be responsible for the proper administration of all affairs of the city, and, except as otherwise provided herein, he shall have the power and shall be required to:

(1) Enforce all laws and ordinances;

(2) Appoint and remove, when necessary for the good of the service, all officers and employees of the city except those appointed by the council. Such appointment and removal of personnel are subject to any merit system provisions in effect at such time, except for those officers and employees who are exempted from the merit system by other sections of this act;

(3) Appoint the members of the Industrial Development Authority and Housing Board. The members of the Industrial Development Authority shall be subject to confirmation by a vote of three members of the council. The members of the Planning Commission shall be appointed pursuant to section 11-52-3, Code of Alabama 1975;

(4) Exercise administrative supervision and control over all departments created by this act or by law or hereafter created by the

council, except those otherwise given independent status under this act;

(5) Keep the council fully advised as to the financial conditions and needs of the city; prepare and submit the budget annually to the council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the city for such year;

(6) Recommend to the council such actions as he may deem desirable;

(7) Prepare and submit to the council such reports as may be required of him;

(8) Perform such other duties as may be prescribed by this act; and

(9) Fix the salaries or compensation of all officers and employees of the city who are appointable by the mayor, subject, however, to the provisions of any merit law applicable to the city.

Section 38. (a) There are hereby created three divisions of city government: public works, finance and public safety. The mayor shall appoint department heads to the above divisions. Upon the first vacancy, of any nature whatsoever, in the office of police chief or fire chief, the mayor may appoint the police chief and fire chief, respectively, from outside the said merit system, with the approval of four members of the council who shall serve at the pleasure of the mayor; provided, however, such officers shall be removed from office only upon recommendation of the mayor with the approval of four council members.

(b) The mayor also is authorized to appoint a city attorney who shall serve at the pleasure of the mayor and shall be compensated in the manner and at a rate approved by the mayor. In addition to the city attorney, the mayor, from time to time in his sole discretion, is authorized to obtain additional legal counsel outside of the city merit system to advise and defend him in his capacity of mayor and in the pursuit of the operation of government.

(c) Upon approval by a majority of those present and voting, the council, from time to time when it deems necessary and reasonable, is authorized to obtain legal counsel outside the city merit system to advise and defend them in their respective capacities as council members and in the pursuit of the operation of government.

Section 39. The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the mayor. Pending the passage of an

ordinance or ordinances distributing the work of departments under the supervision and control of the mayor among specific divisions thereof, the mayor may establish temporary divisions.

Section 40. The mayor is hereby authorized to employ such additional personnel who shall serve at the pleasure of the mayor, and for such purposes an additional $40,000.00 per annum shall be made available for the salaries of such personnel from the city treasury. Said personnel shall not be subject to the provisions of the merit system. This section shall not limit the authority of said mayor to appoint other employees of said city under the provisions of the merit system or otherwise where authorized by any other law.

Section 41. The fiscal year of the city government shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this act, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 42. On a day to be fixed by the council but in no case later than the 20th day of August in each year, the mayor shall submit to the council:

(1) A separate current revenue and expense budget for the general operation of the city government, to be known as the "general fund budget";

(2) A budget for each public utility owned and operated by such city;

(3) A capital budget; and

(4) A budget message.

When submitting the budgets to the council, the mayor shall submit his recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose.

Section 43. It shall be the duty of the head of each department, and each other office or agency supported in whole or in part by the city, to file with the head of the division of finance, at such time as the mayor may prescribe, estimates of revenue and expenditures for that department, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the head of the division of finance and it shall be the duty of the head of each department, office or agency, to supply all the information which the head of the division of finance may require to be submitted. The head of the division of finance shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be required

by the mayor in the preparation of the budgets. The mayor shall hold such hearings as he may deem advisable and with the assistance of the head of the division of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the State of Alabama and any municipal ordinance relating to obligatory expenditures for any purpose.

Section 44. The general fund budget shall include for each public utility owned by the city only the net amounts estimated to be received from or to be appropriated to each public utility. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques, and shall show:

(1) Such portion of the general fund cash surplus as it is estimated will exist, at the end of the current fiscal year, and is proposed to be used for meeting expenditures in the general fund budget for the ensuing year;

(2) An estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the percentage of the levy collected be no greater than the average percentage of the levy collected in the last three completed tax years;

(3) An estimate of receipts from all other sources of revenue, provided that the estimated receipts from each such source shall not exceed the percentage of estimated revenue in the current fiscal year from the same source over the amount of the revenue received from the same source in the last completed fiscal year, unless a law or ordinance under which revenue from any source is derived, has been amended or a new source of revenue has been provided by law or ordinance, in the course of the current year, in which case the estimated receipts from that source may be fixed by the mayor. If additional revenue is to be derived from the state, the amount fixed by the mayor shall not exceed the amount which the proper state official shall certify in writing to be the reasonable expectation of receipts from such source;

(4) A statement to be furnished by the head of the division of finance of the debt service requirements for the ensuing year and future years;

(5) An estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by law to be budgeted for the ensuing fiscal year; and

(6) An estimate of expenditures and appropriations for all other purposes to be met from the general fund in the ensuing fiscal year.

All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last fiscal year, in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year.

Section 45. In no event shall the expenditures recommended by the mayor in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section hereof, unless the mayor shall recommend an increase in or levy of new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three full tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures, the mayor may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. The same balanced budget restrictions shall apply in the adoption of any public utility budget.

Section 46. The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required herein.

Section 47. The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the proposed general fund, public utility and capital budgets to be made, to supply copies to each member of the council and each newspaper of general circulation published in the city and all other members of the news media in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

Section 48. At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven days after the date of publication, and the council will hold a public hearing at which any citizen of the city shall be given an opportunity to be heard, for or against the estimates of any item.

Section 49. After the conclusion of the public hearing the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service, or any other item required to be included by this act or other provision of law, shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the budget except to correct omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general circulation published in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceeds the receipts and available surplus, estimated as herein provided by this act unless at the same time it adopts measures to provide for additional revenue in the ensuing fiscal year estimated to be sufficient to make up the difference.

Section 50. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be provided by property tax, kinds of expenditures itemized according to departments, doing so in such manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

Section 51. Not later than the 20th day of September of the current fiscal year, the council by a majority vote shall adopt the general fund budget, and such ordinance providing for additional revenue as may be necessary to put the budget in balance, including a two percent reserve. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the council and, until such time, it shall have full force and effect to the same extent as if the same had been adopted by the council.

Section 52. If the mayor shall disapprove of any expenditure line item contained in the budget transmitted to him by the council, he shall, within 10 days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council, and if five (5) of the council members shall at the meeting adhere to said expenditure line item by yeas and nays and spread upon the minutes, then said expenditure line item shall become effective.

Section 53. Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the mayor and the city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of the citizens of the city who request a copy.

Section 54. Separate budget estimates for any public utility owned and operated by the city shall be submitted to the director of finance at the same time as the budget estimates of other departments, and in the form prescribed by the director of finance. The mayor shall present to the council the budget for the utility operation, itemizing the receipts and expenditures in manner and form as is generally provided for in the general fund budget.

Section 55. After the current expense budgets have been adopted and before the beginning of the fiscal year, the head of each department, office, and agency, shall submit to the mayor in such form as the mayor shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year at least monthly or as the mayor may direct. Before the beginning of the fiscal year the mayor shall approve, with such amendments as he shall determine, the allotments for each such department, office, or agency, and shall file the same with the head of the division of finance who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments. Such allotments shall be in conformity with the salaries established by ordinance, the provisions of any merit system applicable to such city, and the laws of the State of Alabama relating to obligatory expenditures for any purpose. The aggregate of such allotments shall not exceed the total appropriation available to each such department, office, or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts of the general fund or any public utility for the year plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts and said surplus, he shall reconsider allotments of the departments, offices and agencies, and, subject to the laws of the State of Alabama and any municipal ordinances of the city relating to obligatory expenditures for any purpose, revise the allotments so as to forestall the incurring of a deficit; provided, however, that there shall be no reduction in salaries except by order of the council, or as authorized by law.

Section 56. At the request of the mayor, the council may by resolution transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, office or agency to another or from one classification of expenditures to another in the same department, office or agency.

Section 57. Appropriations in addition to those contained in the original general fund budget ordinance, may be made by the council by not less than four affirmative votes, but only on the recommendation of the mayor and only if the head of the division of finance certifies in writing that there is available in the general fund an unappropriated sum sufficient to meet such appropriation.

Section 58. At any time in any budget year, the council may make emergency appropriations to meet a pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation may be made by the council by not less than four affirmative votes, but only on the recommendation of the mayor.

Section 59. Any portion of an appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

Section 60. At the same time that he submits the general fund budget, the mayor shall submit to the council a capital improvement program covering all recommended capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendation as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have the power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least four affirmative votes, the program previously adopted by it, or the means of financing the whole or any part thereof, or both, provided that the amendment shall have been recommended by the mayor and further provided such additional funds are available in the general fund or in any other fund of the city.

Section 61. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriations for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years lapse without any expenditure therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project or if there is no such indebtedness, shall be available for other appropriation. The council

may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated. Appropriations from said fund shall be made only to finance improvements included in the capital budget.

Section 62. No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made, and no payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided for by this act. Every expenditure or obligation authorized or incurred in violation of the provisions of this act shall be void. Every payment made in violation of the provisions of this act shall be deemed illegal, and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive said payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of any board, or employee of the city, shall knowingly incur any obligation or shall knowingly authorize or make any expenditure in violation of the provisions of this act or knowingly take part therein, such action shall be cause for his removal. Nothing in this section, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require the making of such contracts.

Section 63. Any officially adopted budget in existence at the time that the council is first organized shall continue in force and effect during the balance of the city's then fiscal year, or until such time as the mayor may submit to the council and the council adopts an amended, altered or revised budget for the balance of said fiscal year.

Section 64. There shall be a division of finance, the head of which shall be the financial officer of the city. The head of the division shall be appointed by the mayor and shall not be subject to the provisions of the merit system.

Section 65. The head of the division of finance shall be a person skilled in municipal accounting, taxation, and financial control. He shall provide a bond with such surety and in such amount as the council may require by resolution or ordinance. The premium on said bond shall be paid by the city.

Section 66. The head of the division of finance shall have general management and control of the division and of finance. He shall have charge, subject to the direction and control of the mayor, of the administration of the financial affairs of the city, and to that end shall have authority and be required to:

(1) Cooperate with the mayor in compiling estimates for the general fund, public utility and capital budgets;

(2) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded;

(3) Prescribe and install systems of accounts for all departments, offices, and agencies of the city and provide instructions for their use; and prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices, and agencies of the city;

(4) Require daily, or at such other intervals but no longer than weekly, a report of receipts from each of such departments, offices and agencies, and prescribe the time and the manner in which moneys received by them shall be paid to the office of the division of finance or deposited in a city bank interest bearing account under his control;

(5) Examine all contracts, purchase orders and other documents, except bonds and notes which create financial obligations against the city, and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same; provided that the head of the division of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials, or equipment, within the current allotment of such appropriation during a period not to exceed the ensuing three calendar months for the purchase of items not to exceed in cost $100.00 for any one item, and may immediately encumber such appropriation with the amount of such advance authorization; and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the head of the division of finance. Each such purchase order, however, shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged within the period specified, shall exceed the amount of such authorization;

(6) Have custody of all funds under the control of the city, or any office, department or agency and deposit all funds coming into his hands in such depositories as may be designated by resolution or ordinance of the council, or, if no such resolution or ordinance be adopted, by the mayor, subject to the requirements of law as to

surety and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account. The head of the division of finance shall not be liable for any loss sustained as to funds of the city that are on deposit in such a designated bank or depository;

(7) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of legal counsel, determine the regularity, legality and correctness of such claims, demands or charges;

(8) Have custody of all invested funds of the city unless otherwise provided by this act, or by law, ordinance or the terms of any trust, and be responsible for the safekeeping of all bonds and notes of the city and for the receipt and delivery of city bonds and notes for transfer, registration and exchange;

(9) Have supervision over the preparation of bonds, including advertisements for their sale, preparation of bond prospectuses, conduct of their sale, and their delivery subject to applicable provisions of law and municipal ordinances. Bonds shall be authenticated by the manual signature of the director of finance and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city. Interest coupons transferable by delivery shall be attached to the bond and shall be authenticated by the facsimile signature of the director of finance;

(10) Supervise and direct the placing of all types of insurance carried by the city where the premiums in whole or in part are paid by the city, or the premiums in whole or in part are withheld through the payrolls; the amount of all types of insurance on which the city pays the premiums in whole or in part shall be determined by the council after a recommendation by the mayor;

(11) Submit to the mayor for presentation to the council not later than the twelfth day of each month, a statement showing in reasonable detail the revenues received by the city during the preceding month, the revenues received during that fiscal year up to and through the end of the preceding month, the expenditures made during the preceding month, and the accumulated expenditures made during that fiscal year up to and through the end of the preceding month, together with a comparison of said items with the budget estimates;

(12) Furnish to the head of each department, office or agency of the city a copy of that portion of the statement herein provided, as it relates to the department, office or agency;

(13) Prepare and submit to the mayor at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

(14) Designate, with the approval of the mayor, and subject to the provisions of the merit system, an employee of the department of finance who, during the temporary absence or incapacity of the director, shall have and perform all the powers and duties conferred or imposed upon the director;

(15) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted;

(16) Collect all special assessments, license fees and other revenues of the city and collect all money receivable from the county, state or federal government, or from any court, or from any office, department or agency of the city;

(17) Inspect and audit, with approval of the mayor, records of financial transactions which may be maintained in any office, department or agency of the city government apart from, or subsidiary to, the accounts kept in the office of the head of the division of finance; and

(18) Supervise, through the division of purchases, the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

Section 67. No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, for any purpose in excess of the amounts appropriated for that general classification of expenditure pursuant to this act. Any contract, verbal or written, made in violation of this act shall be null and void. Nothing in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of leases or contracts for services for a period exceeding the budget year in which such lease or contract is made, when such contract is permitted by law.

Section 68. All fees received by any officer or employee of the city shall belong to the city government and shall be paid daily to the division of finance.

Section 69. There shall be established in the division of finance a division responsible for purchases, the head of which shall be the city purchasing agent. Such division head, pursuant to rules and regulations established by resolution or ordinance, shall contract

for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency. The city purchasing agent shall also have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;

(2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

(3) Have charge of such general storerooms and warehouses as the council may provide by resolution or ordinance;

(4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment; and

(5) Perform such other duties as may be imposed by resolution or ordinance.

Section 70. Before the purchasing agent makes any purchase of or contract for supplies, materials or equipment he shall give ample opportunity for competitive bidding, under such rules and regulations as the council may prescribe by resolution or ordinance; provided, however, the council shall not exempt individual contracts, purchases, or sales from the requirement of competitive bidding.

Section 71. Any city improvement costing more than $3,000.00 shall be executed by contract except where such improvement is budgeted and authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than $3,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by resolution or ordinance; provided, however, the mayor shall have the power to reject all bids and advertise again. Alteration in any contract may be made when authorized by the council upon the written recommendation of the mayor. Nothing in this act shall be construed to supersede or nullify provisions of state law requiring or governing competitive bidding.

Section 72. All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual service for which the contract or order is to be issued.

Section 73. In any budget year, in anticipation of the collection of revenues, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "revenue note for the year _____ (stating the budget year)." Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes have been issued. Such borrowing shall be subject to any limitation provided by law.

Section 74. In the absence of available revenues to meet emergency appropriations under the provisions of this act, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

Section 75. No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity upon notice and at such time as may be stated in the note. All notes may be sold at not less than par and accrue interest at private sale without previous advertisement.

Section 76. Nothing contained in the provisions of this act shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this act shall take effect or any provision of law in force at the time when the mayor-council form of government shall become applicable and not inconsistent with the provisions of this act in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency thereof, and as provided by the city's merit system.

Section 77. All personnel, except those specifically designated by the provisions of this act as removable at the discretion of the mayor, holding administrative office at the time the mayor-council form of government becomes effective shall continue in office and in the performance of their duties until other provisions have been made by law for the performance of such duties or the discontinuance of such office. If any office, department or agency of the city shall be abolished by this act, the powers conferred and the duties imposed upon such units by the laws of the state shall thereafter be exercised and discharged by the office, department or agency designated by the council.

Section 78. All records, property and equipment of any office, department or agency, whose power and duties are assigned to any

other office, department or agency by the provisions of this act, shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency are assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Section 79. Any office, department or agency provided for by this act with a name or with powers and duties the same or substantially the same as those of any such office, department or agency heretofore existing, shall be deemed to be a continuation of such office, department or agency, and shall continue to exercise its powers and duties until otherwise provided, and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency shall, so far as not inconsistent with the provisions of this act, apply to such office, department or agency.

Section 80. All contracts entered into by the city, or for its benefit, prior to the application to such city of the mayor-council form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the organization under the mayor-council form of government may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Section 81. No action or proceeding, civil or criminal, pending at the time of the organization under the mayor-council form of government, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the change to the mayor-council form of government or by anything contained in this act; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this act be assigned or transferred to another office, department or agency or officer, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under the provisions of this act.

Section 82. All laws and parts of laws relating to pensions or retirement and relief funds for policemen, firemen and other employees of the city, contained in the general or local laws of the state as the same may apply and be in effect with respect to any such city at the time when such city shall become governed by the

provisions of this act, shall continue in full force and effect, and without interruption.

Section 83. All laws and parts of laws relating to establishment or financing of an authority for fairgrounds, parks, exhibitions and other facilities for the amusement, recreation and cultural development of the citizens of the city, contained in the general or local laws of the state, as the same may apply and be in effect with respect to any such city at the time when such city shall become organized under the provisions of this act, shall continue in full force and effect and without interruption or change until otherwise provided by law.

Section 84. All ordinances and resolutions of the city in effect at the time the form of government herein provided for becomes effective shall continue in effect unless and until changed or repealed by the council.

Section 85. Any merit system officer or employee to whom the mayor, or a head of any office, department or agency, may appoint a successor, may be removed by the mayor or other appointing officer at any time, and the decision of the mayor, or other appointing officer, shall be subject to appeals provided by law.

Section 86. The mayor, the heads of all divisions and departments, and such other officers of the city as may be designated by the council, shall be entitled to attend meetings of the council, but shall have no vote therein. The mayor shall have the right to take part in the discussion of all matters coming before the council, and the directors and other officers shall be entitled to take part in all discussions of the council relating to their respective offices, departments or agencies.

Section 87. The council, or the mayor, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed $200.00 or by imprisonment not to exceed 30 days, or both.

Section 88. No elected official or city employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, nor shall he be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, water works, gas works, electric light or power plant, heating plant, telegraph line or telephone

exchange within the territorial limits of said city, nor shall he accept any free pass, free ticket or free service from said corporations or utilities or accept any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor and, upon conviction thereof, the guilty person shall be punished by a fine of not less than $100.00 nor more than $300.00, be imprisoned in the county jail for not more than 90 days, and every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty nor shall service to city officials in their official capacity heretofore provided by any franchise or ordinance be affected by this section.

Section 89. Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation as provided by law, to be filed and kept in the office of the city clerk.

Section 90. Whenever there shall be a change in the population in any of the five districts heretofore established following a decennial federal census beginning in 1990, there shall be a reapportionment of the council districts in the following manner:

1. The mayor shall within six months after the publication of the 1990 federal census, and each decennial federal census therafter, file with the council a report containing a recommended plan for the reapportionment of the council district boundaries to comply with the following specifications:

(a) Each district shall be formed of contiguous, and to the extent reasonably possible, compact territory, and its boundary lines shall be the centerlines of streets or other well-defined boundaries.

(b) Each district shall contain as nearly as is reasonable the same population.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance and considered by the council as other ordinances are considered. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

2. The council shall enact a redistricting ordinance within six months after receiving such report. If the council fails to enact the redistricting ordinance within the said six months, the redistricting plan submitted by the mayor shall become effective without enactment by the council, as if it were a duly enacted ordinance.

3. Such redistricting ordinance shall apply to the first regular election held more than six months after its becoming effective and

to all municipal elections, regular or special, held after the first regular election. No incumbent council member shall be deprived of his or her unexpired term of office because of such redistricting.

Section 91. The city is prohibited from changing from the mayor-council form of government within four years after the adoption thereof. At the end of such period, or at any time thereafter, the city's form of government may be amended or changed when: (i) a written petition executed by 10 percent of the number of those who voted in the last city election is submitted to the council with the proposed changes or amendments incorporated in the petition; after presentation of the petition, the council shall call for a referendum vote on the proposed changes and amendments, and (ii) a majority of the votes cast in the referendum is in favor of the proposed changes or amendments. After the council receives the proposed changes and petition, it shall call a special election for the purpose of determining whether the city shall adopt the changes or amendments. Notice shall be given of the time and purpose of such election by publication once each week for four consecutive weeks in a newspaper published in said city prior to the referendum vote. All qualified electors of such city may participate in the election and such questions shall be plainly printed upon the ballot. The referendum shall be conducted, the expenses paid, the votes canvassed and the results declared in the same manner as is provided by law in other city elections.

Section 92. (a) Within 30 days of taking office, the officials of the city government shall adopt an ordinance to provide that all appointments made by the mayor or council to positions in city government, boards, commissions, agencies, authorities or any other organization or entity of the city or to any positions to which said officials make appointments, shall fairly and equitably reflect the make-up of the total community with due consideration given to all demographic characteristics of the population.

(b) Within 30 days of taking office, the officials of the city government shall adopt an ordinance to provide that all contracts or agreements entered into by the city or any entity thereof for any service of any kind, whether by bid or otherwise, including but not limited to, professional services and bond issues, shall make every reasonable effort to require that the contractor, firm, or company to which any contract is awarded, must have at least 15% participation by socially and economically disadvantaged individuals or the city shall make every reasonable effort to insure that at least 15 percent of the total value of all such contracts and agreements described above shall be awarded to qualified contractors or professionals who are socially and economically disadvantaged.

(c) Within 30 days of taking office, the officials of the city government shall adopt an ordinance to require that all capital improvements and repairs made in the city shall be made on the basis of need and shall, as nearly as practicable, be fairly and equitably made in all districts of the city.

(d) The officials of the city government shall demonstrate their commitment to the poor and needy in this city by annually allocating in the city budget an amount of funds to be approved by the council to agencies, organizations and programs serving the poor and needy in a manner and amount to be determined by the council.

Section 93. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 94. All laws or parts of laws which conflict with this act are hereby repealed.

Section 95. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-103 H.J.R. 181—Rep. Marietta

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JACK HARGROVE ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the forthcoming Golden Wedding Anniversary, June 10, 1987, of Mr. and Mrs. Jack Hargrove of Mobile, Alabama; and

WHEREAS, Jack and Jane Hargrove were joined in wedlock on June 10, 1937, at All Saints Episcopal Church in Mobile and by Mr. Hargrove's cousin, The Reverend Tom Byrne, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Mobile, Alabama, Mr. and Mrs. Jack Hargrove, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Hargrove that they may know of our congratulations and warm best wishes for the future.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-104 H.J.R. 182—Reps. Marietta and Clark (W)

HOUSE JOINT RESOLUTION

COMMENDING THE UNITED STATES AIR FORCE STRATEGIC AIR COMMAND.

WHEREAS, the Strategic Air Command, the U. S. Air Force's long-range strike force of combat aircraft and intercontinental ballistic missiles, was created in 1946, and since 1948, has been headquartered at Offutt AFB, Nebraska; and

WHEREAS, in fulfilling its primary mission to deter war, SAC stands ready at all times to deploy forces quickly to any part of the world and to prosecute any level of conflict necessary to meet our national objectives; to further accomplish this end, up to 30 percent of the SAC bomber and tanker force is on 24-hour ground alert and ready to react well within the attack warning time provided; SAC's ICBM force also maintains a continuous 24-hour alert and remains ready to react on a moment's notice; and

WHEREAS, it is from the Offutt AFB Command Center that SAC and National Command Authority orders are sent to SAC's aircraft and missile forces, and the center also serves as the nerve center of SAC's global communications network, whereby the SAC controller, using the Primary Alerting System, can communicate instantaneously with some 200 operating locations throughout the world; and

WHEREAS, during the week of 4 May 1987, our colleagues, Representatives Beth Marietta and William Clark, were guests of the Command Center at Offutt AFB and were privileged to tour the SAC Underground Command Center, thereby acquiring first-hand

knowledge of the capabilities of this long-range strike force and the protection it provides our nation against enemy attack in its vital role as a deterrent to war; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the United States Air Force Strategic Air Command and further extend appreciation to all Command Center personnel for the many courtesies shown to our colleagues, Representatives Beth Marietta and William Clark, on their recent visit to Offutt AFB.

BE IT FURTHER RESOLVED, That a copy of this resolution of commendation be forwarded to SAC Headquarters, Offutt AFB, Nebraska.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-105 H.J.R. 183—Reps. Marietta, Zoghby, Turner, Kennedy, Buskey (JE), Clark (W), Gaston, Kvalheim, Box and Harper

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND MACK MORRIS OF TILLMAN'S CORNER, ALABAMA.

WHEREAS, the Reverend Mack Morris, a native of Dothan, Alabama, was ordained to the Gospel Ministry on August 11, 1968, and received his B.A. degree from Mobile College in May 1971; he later earned both the Master of Ministry and Doctor of Ministry degrees from the Southern Baptist Center for Biblical Studies; and

WHEREAS, Dr. Morris has served as pastor of the First Baptist Church of Tillman's Corner since 1974 and, during this period, the church has experienced a tremendous growth, with Sunday School attendance growing from 100 to more than 700 and membership increasing by more than 2,000; and

WHEREAS, First Baptist of Tillman's Corner also has completed five major building programs, purchased additional property for future growth, and has initiated a television ministry that is carried on four Mobile stations; and

WHEREAS, Dr. Morris further extends his ministry through weekly newspaper articles and has preached in Bible Conferences

throughout the Southern Baptist Convention and in Brazil; he has been actively involved, as well, in Southern Baptist denominational causes, serving as a member of the Executive Board of the Alabama Baptist State Convention, as Chairman of the Board of Directors of the ACTS Television Network of Mobile and is currently President of the Southwest Mobile County Ministerial Association; and

WHEREAS, also involved in local community and school activities, Dr. Morris is frequently in demand as a speaker and he has served in such capacities as Vice President and President of W.C. Griggs P.T.A. and as Chairman of the Advisory Council for the South Mobile Community Education Program; and

WHEREAS, Dr. Morris is indeed a beloved and prominent member of his community as evidenced by his recent selection as Tillman Corner's Citizen of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Reverend Mack Morris, pastor of the First Baptist Church of Tillman's Corner and direct that he receive a copy of this resolution, executed in sincere praise and in gratitude for his spiritual and community leadership through example and deed.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-106 H.J.R. 187—Rep. Black

HOUSE JOINT RESOLUTION

COMMENDING COACH LEIGH WALKER AND THE SUMTER ACADEMY LADY EAGLES ON THEIR 1987 APSA CLASS 3A STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, in consensus of highest commendation, the Alabama Legislature congratulates the Sumter Academy Lady Eagles, as our State's Alabama Private School Association Class 3A Basketball Champions for 1987; and

WHEREAS, under the talented direction and leadership of Coach Leigh Walker, the Lady Eagles soared to an overall 26-3 season record and the Championship following "Final Four" competition and their 43-40 win over Woodland Academy, followed by a 53-37 victory over Hooper Academy in the Title matchup; and

WHEREAS, with Denice Dial serving as scorekeeper and Robin Brown keeping "stats," the 3A Champion Lady Eagles are MVP

Kristye Hall and All-Tournament Mary Chaney and Tiffany Winfield, along with teammates Caroline Key, Leighann Bedwell, Tammy Dial, Margaret Nelson, Angel Cross, Anita Breazeale, Holli Johnston, Susanne Seale and Sandy Duke; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as 1987 ASPA Class 3A Basketball Champions, we hereby most highly commend and congratulate the Lady Eagles of Sumter Academy and direct that copies of this resolution be forwarded to Coach Walker for appropriate presentation and school display.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-107 H.J.R. 188—Rep. Black

HOUSE JOINT RESOLUTION

CONGRATULATING THE SUMTER ACADEMY EAGLES ON THEIR OUTSTANDING 1987 BASKETBALL SEASON AND SECOND-PLACE RANKING IN APSA COMPETITION.

WHEREAS, the Sumter Academy Eagles, under Coach Danny Powell, posted an outstanding 23-7 overall season record, and were ranked number-two in the Alabama Private School Association's State 3A Basketball Play-offs; and

WHEREAS, in prestigious "Final Four" competition, Sumter Academy downed Woodland by a score of 55-52, placing the Eagles in the title tilt against Hooper Academy, the defending Champions; and

WHEREAS, though losing to Hooper, the Sumter Eagles are indeed to be commended as Runners-up to the State Crown and for their outstanding team effort and will-to-win determination and spirit; and

WHEREAS, the Sumter Academy varsity is comprised of Will Bedwell, Andrew Chaney, Cade Johnston, John Nichols, Rob Seale, Clark Mitchell, Ward Pate, Brannon Swain, J. J. Matlock, Bryan Paparella, Chad Ward and Scott Whitcomb, with Scott Powell serving as team manager; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding achievement, we hereby most highly commend Coach Danny Powell and his Sumter Academy Eagles, and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-108 H.J.R. 190—Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 14, 1987, that we adjourn to meet again on Tuesday, May 19, 1987.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-109 H.J.R. 173—Reps. Beasley, Carothers, Mathis, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill,

Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ALTO V. LEE, III, OF DOTHAN, ALABAMA.

WHEREAS, it is with a sense of deep sorrow and regret that the Legislature of Alabama records the death of Alto V. Lee, III, of Dothan, Alabama, on May 8, 1987, at the age of 71 years; and

WHEREAS, a native of Columbia, Alabama, Mr. Lee was a graduate of the University of Alabama where he received the A.B. and L.L.B. degrees; he was admitted to the State Bar in 1937 and was a longtime and prominent attorney in the Dothan area; and

WHEREAS, he also was a former member of the Alabama Legislature, former president of both the Houston County Bar Association and the Alabama State Bar, and had served as president of the Alabama Defense Lawyers Association; he was a member of the International Society of Barristers and a Fellow in the American College of Trial Lawyers; and

WHEREAS, Mr. Lee, in other of many positions of leadership, had served as chairman of the Alabama State Docks Board and as member and chairman of the Alabama Ethics Commission; he was a past president of the National Peanut Festival, a former trustee

of Alabama College of Montevallo, a past president of the University of Alabama National Alumni Association and, in 1972, was the recipient of the university's Distinguished Alumnus Award; and

WHEREAS, he further extended his activities to include involvement in a number of civic, community and charitable organizations and causes including the Boy Scouts of America and the Dothan Benevolent Association, among others; and

WHEREAS, he also was a 32nd Degree Mason and a Shriner, and was a longtime faithful member of the First United Methodist Church of Dothan, which he served in many capacities, and he was the immediate past president of the board of directors of the Alabama-West Florida United Methodist Foundation, Inc.; and

WHEREAS, Alto V. Lee, III, was indeed one of our state's most outstanding citizens and his loss is one of great magnitude to all those he served long and well throughout his lifetime; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Alto V. Lee, III, of Dothan, Alabama, and extend deepest sympathy to his wife, Mrs. Rosa Brooks Lee; daughters, Mrs. Heidt F. (Elizabeth) Neal, III, and Mrs. B. Michael (Margaret) Watson; his son, William L. Lee, III; and other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-110 H. 118—Reps. Williams and Flowers

AN ACT

Relating to Dale County; to require the installation and maintenance of an improved system of recording and indexing documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special index and recording fee; and to provide that said system shall constitute official and permanent records in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply in Dale County. The purpose of this act is to facilitate the use of public records in property transactions in Dale County by providing for the installation of an improved system of recording and indexing of instruments and documents affecting the title to real and personal

property that are recorded in the office of the judge of probate and for the recording of other instruments, documents and other uses in the discretion of the judge of probate.

Section 2. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

"Real Property Instrument" means and includes any instrument or document affecting the title to real property that may now or hereafter be filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, but without limitation to, Sections 35-4-50 and 35-4-90, Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgement, and plats or maps showing subdivisions of real estate.

"Micrographic Archival Reproduction" means the microphotographing of any instruments, with a hard copy being reproduced from the film on high quality, rag content paper that will be filed in binders for public access.

"General Property Instrument" means a real property instrument that affects the title to personal property as well as real property.

"Personal Property Instrument" means any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter titled for record in the probate office, in accordance with the applicable requirements of the law of this state, including and particularly said Sections 35-4-50 and 35-4-90, Code of Alabama 1975.

"Improved Recording System" means a system of recording and indexing real property instruments and personal property instruments in the probate office and, in the discretion of the judge of probate, of recording and indexing other instruments and documents, which system when completed, will consist of the following:

(a) The following micrographic archival reproductions:

(1) Micrographic archival reproductions of all real property instruments (or of the record of such instruments) at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of filing for record of the original instruments, in shelves or cabinets which may be separated into different classifications indicating generally the nature of the instruments recorded in such shelf or cabinet, such classifications to be designated by the judge of probate of the county and to include such classifications as "Deeds," "Mortgages," and "Materialmen's Liens," "Judgements," and the like;

(2) Micrographic archival reproductions of all miscellaneous instruments (or of the record of such instruments) that are of record in the probate office on the effective installation date and of all personal property instruments (or of the record of such instruments) at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of the filing for record of the original instruments, in binders or other suitable receptacles; and

(3) In the discretion of the judge of probate, micrographic archival reproductions of any or all of the following records and instruments (or the record thereof) at any time filed for record, recorded or made an official record in the probate office: certificates of incorporations, and any other documents properly recorded in the incorporation records of the county, wills and records of adoptions, legitimations, marriage licenses, probate records, administrator's accounts, tax sales, UCC's and historical documents.

(b) Equipment necessary and suitable to prepare, index and contain the micrographic archival reproductions.

Section 3. The judge of probate is hereby authorized to provide for the installation and thereafter for the maintenance of an improved recording and index system in the probate offices of the county. The initial installation of the improved recording and index system shall include the following:

(a) The acquisition of the equipment provided for in clause (b) of the definition hereinabove set forth of an improved recording system;

(b) The micrographic archival reproducing and filing of hard copies in binders or other suitable receptacles of the public records of all real property instruments, personal property instruments, and miscellaneous instruments that are of record in the probate office of the county on the effective installation date and of any other then existing records in the probate offices or in the courthouse;

(c) The establishment of procedures for the continued micrographic archival reproducing, indexing and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved recording system;

(d) The initial installation of the improved recording and index system shall be performed by a person or persons, firm or corporation engaged in records management business and experienced in setting up county records; and such initial installation shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts and title. Following its installation in the county, the improved recording and index system shall be thereafter

maintained in the county and all real property instruments, general property instruments and personal property instruments and other documents and records herein provided to constitute a part of said system that may be thereafter filed for record in the probate office of the county shall be photographed and recorded in accordance with the aforesaid improved recording and index system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with the provisions of existing law, including particularly Section 35-4-59 of the Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be micrographic archival reproduced, with hard copies for public use and computer-generated indexes to be filed in binders.

Section 5. All provisions of the laws of Alabama with respect to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved recording and index system installed hereunder (including but without limitation to the provisions of Sections 35-4-50, 35-4-90, 12-13-43, 41-13-23 and 41-13-24 of the Code of Alabama 1975, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims or exemption, certificates of judgment, or plats or maps showing subdivisions of real estate) that are not inconsistent with the provisions of this act shall continue in full force and effect with respect to an improved recording system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto, and the provisions hereof shall be deemed supplemental to the provisions of said existing laws.

Section 6. The initial installation costs shall be paid entirely out of the said special index and recording fees. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying the cost of operating and maintaining, after the initial installation, any improved system installed pursuant to the provisions of this act.

Section 7. Thirty days after the date this act becomes applicable to Dale County, a special index and recording fee of $2.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office in the discretion of the judge of probate of the county, and, on and after such date, no such instrument shall be

received for record in the office of said judge of probate unless the said special index and recording fee of $2.00 is paid thereon. Said special index and recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the judge of probate of the county. All special index and recording fees so collected shall be paid into the general fund of Dale County. These funds shall be used at the discretion of the Dale County commission for an improved recording and indexing system and/or other equipment, maintenance and services necessary for the improvement of the office of the judge of probate or for other county operations.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-111 H. 119—Reps. Williams and Flowers

AN ACT

Relating to Dale County; to create a license-issuing division within the tax assessor's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the divisions; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of licenses by the tax assessor's office and to transfer certain duties now performed by the tax collector and probate judge to said office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the tax assessor's office of Dale County a license division. The county commission shall furnish suitable quarters and provide the necessary forms, books,

stationery, records, equipment and supplies, except for such stationery forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall insure that the tax assessor has sufficient staff and shall provide such clerks, and other assistants for said tax assessor as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The tax assessor shall have authority to employ such clerks, and other assistants, and to fix their compensation; provided however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county commission. The compensation of such clerks and other assistants shall be paid bi-weekly out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The tax assessor shall perform all duties relating to the assessment and collection of taxes on motor vehicles in the county and issue applications for certificates of title on vehicles, which have heretofore been performed by the tax collector and the probate judge. The tax collector and the probate judge of Dale County are hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles. The tax assessor shall receive the commission and fees now allowed the tax collector and probate judge for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such tax shall be made at the same time as other reports and remittances are now made.

Section 3. The tax assessor shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition of same, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that other licensing officials are required to do under general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for as required by law.

Section 4. Except as hereinafter provided, the tax assessor shall be entitled to charge and collect the same fees that are now provided for by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said tax assessor shall charge and collect a fee of $1.25. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and

collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the tax assessor until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said tax assessor. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said tax assessor who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicle can be assessed, the tax assessor shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said tax assessor shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said tax assessor shall be furnished a bona fide certificate of title properly assigned which indicates when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed.

Section 7. The tax assessor may, at his discretion, mail an application for renewal of licenses to whom such license has been previously issued, such renewal forms required to be returned prior to the expiration date of the license. Such renewal forms may be in post card form and with sufficient information thereon to adequately identify and process such renewal. The signature of the licensee thereon and proper remittance shall constitute sufficient authority for the tax assessor to issue such license and return to the licensee by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be set from time to time by the county governing body to pay the cost of the mailing procedure herein provided, and such fee shall be collected by the tax assessor at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-112 H. 376—Rep. White (F)

AN ACT

Relating to Escambia County; providing for a monthly retirement benefit for certain employees in the tax collector's office to be paid from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. A monthly retirement benefit in the amount of $300.00 shall be paid to any employee of the tax collector's office of Escambia County who commenced such employment in the year 1947 and at the time of retirement from such employment had completed not less than 39 years of continuous service in such office and who at the time of such retirement is not entitled to any other retirement benefit under any state or county retirement plan.

Section 2. Any monthly retirement benefit payable under the provisions of this act shall be paid from the general fund of the county and payment shall commence on the first day of the month next following the month in which the employee retires from service and shall continue on the first day of each month thereafter during the lifetime of the employee.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-113 H. 436—Rep. Headley

AN ACT

Relating to Chilton County; to provide that the probate judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Chilton County shall not receive for record or permit the recording of an instrument in which the title to real property, or of any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, unless such an instrument has endorsed on it, printed, typewritten or stamped thereon, the grantee's name and latest complete address.

Section 2. The probate judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties by this act if committed in good faith.

Section 3. This requirement imposed by Section 1 above shall be construed to be in addition to and supplemental to any other laws relating to the recording of any vesting instruments, conveying title or any interest to real property.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1987

Time: 4:45 P.M.

Act No. 87-114 H. 43—Rep. Hammett

AN ACT

Relating to the twenty-second judicial circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary; allowing certain court employees to be present during certain portions of grand jury sessions.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-second judicial circuit is hereby authorized to provide a clerk-secretary to attend all

grand jury sessions in said circuit at the request of the grand juries. The clerk-secretary shall perform such clerical and secretarial duties as the grand juries and district attorney may prescribe and shall transcribe the testimony and other matters being brought before the grand jury.

Section 2. Either the secretary, administrative assistant or trial coordinator in the district attorney's office shall be designated as the clerk-secretary by the district attorney. When directed by the district attorney for such circuit, the clerk-secretary shall attend in person, except as otherwise provided, the sessions of each grand jury held in such circuit and in every manner or proceeding before such grand jury take stenographic notes of the oral testimony and proceedings and note the order in which all documentary evidence is introduced.

Section 3. Such clerk-secretary shall collect, store, maintain, keep and be the official custodian of all grand jury testimony or evidence given before the grand juries of such circuit which has heretofore been or shall hereafter be recorded or otherwise transcribed therein. Such clerk-secretary shall take appropriate action to insure that any grand jury evidence or grand jury testimony in such circuit shall be privileged and not subject to public disclosure or view unless authorized by the district attorney and the presiding judge of such circuit.

Section 4. The original stenographic notes of such clerk-secretary, as well as any recordings or transcriptions, of each case or proceeding officially reported shall be preserved by such clerk-secretary and treated as part of the records of the district attorney for such circuit; and, upon such clerk-secretary's retirement or removal from office shall be turned over to the district attorney of such circuit or to some court officer so designated by the district attorney to receive same.

Section 5. In addition to the clerk-secretary, the court bailiffs and other employees of the district attorney's office in the twenty-second judicial circuit shall be entitled to be present in the courtroom during sessions of the grand jury except when said jury is deliberating.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1987

Time: 5:00 P.M.

Act No. 87-115 H. 45—Rep. Hammett

AN ACT

Relating to the twenty-second judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

Be It Enacted by the Legislature of Alabama:

Section 1. Investigators for the district attorney's office in the twenty-second judicial circuit are hereby authorized and empowered to make arrests and serve search warrants in the performance of their official duties to the same extent as deputy sheriffs are so authorized and empowered.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1987

Time: 5:00 P.M.

Act No. 87-116 H. 331—Rep. Holley

AN ACT

Relating to Coffee County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and providing for the implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply to Coffee County.

Section 2. All words, terms, and phrases as defined in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, providing for the levy of a state sales tax shall, wherever used in this act, have the same meanings respectively ascribed to them in said sections, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4 of the Code of Alabama 1975, as amended, which levy a certain retail sales tax, and include all statutes, including amendments to said sections, which expressly set forth any exemptions from the computation of the tax levied by said sections and all other statutes which expressly apply to, or purport to affect, the administration of said sections and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"Month" means the calendar month;

"County" means Coffee County.

Section 3. There is hereby levied and imposed in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county one cent privilege license tax paralleling the state sales tax, such privilege license tax to be determined by the application of rates against gross sales or gross receipts, as the case may be, and within specified areas.

There are exempted, however, from the provisions of this section and from the computation of the amount of the additional tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 4. All taxes levied in this act shall be paid to and collected by the state department of revenue at the same time and in the same manner as state sales taxes are paid. On or prior to the due dates of the tax herein levied each person subject to such tax shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth,

with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such sales and gross receipts of all such business transactions. Such report shall also include such other items of information pertinent to the said tax and the amount thereof as the state department of revenue may require. Any person subject to the tax levied may defer reporting credit sales until after their collection, and in the event such person so defers reporting them, such person shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the Coffee County Commission, or its designated agent, at reasonable times during business hours.

Section 5. Each person engaging or continuing within Coffee County in a business subject to the tax levied in Section 3 of this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said sale or admission. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sale or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof.

Section 6. The tax imposed by this act shall constitute a debt due Coffee County and may be collected as provided by law. The said tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to enforcement of liens for license taxes due this state shall apply fully to the collection of the tax herein levied, and the state department of revenue, for the use and benefit of Coffee County shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the tax collected by it for Coffee County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, penalties for failure to pay the tax, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 3 of this act shall apply to the county tax levied under this act. The state commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county tax levied under this act that are imposed on such commissioner and department, respectively, by the state tax statutes. All provisions of the state sales tax statutes that are made applicable by this act to the county tax levied under this act and to the administration and enforcement of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The state department of revenue shall charge Coffee County for collecting the special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the Coffee County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Coffee County for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Coffee County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Coffee County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Coffee County in his official capacity in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. He shall then deliver to the Coffee County Commission the balance remaining.

For the initial four years after the implementation date of the tax, all revenues arising from the taxes herein levied shall be distributed in the following manner:

25% to the Coffee County General Fund

75% to the county school systems.

The average daily attendance formula used by the state to distribute state and local funds shall be used by the county to distribute said educational funds to the school systems.

After the expiration of the initial four-year period after the implementation date of the tax, said funds shall be distributed in the following manner:

20% to the Coffee County General Fund

80% to the county school systems.

The average daily attendance formula used by the state to distribute state and local funds shall be used by the county to distribute said educational funds to the school systems.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming law. However, the provisions of this act shall be conditional on the Coffee County Commission rescinding the one cent sales tax levied by action of the Coffee County Commission on August 25, 1986. Until said one cent sales tax is rescinded by the Coffee County Commission, the taxing provisions of this act shall have no force and effect.

Approved May 27, 1987

Time: 5:00 P.M.

Act No. 87-117 H.J.R. 165—Reps. Blake and Junkins

HOUSE JOINT RESOLUTION

COMMENDING OPAL ROBINSON OF SPRINGVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

WHEREAS, the Legislature of Alabama, in commendation and esteem, notes the worthy efforts of Opal Robinson of Springville,

Alabama, toward a goal of a clean and more beautiful community; and

WHEREAS, Ms. Robinson, who became concerned over the large amount of cans, bottles, and other debris littering the roads and highways in her community and other areas in St. Clair County, assumed the responsibility for "policing" the roads near her home; and

WHEREAS, giving freely of her time, Ms. Robinson conscientiously, and on a regular basis since 1969, picks up litter that has been scattered along the roads of her community; and

WHEREAS, Opal Robinson is indeed an exemplar of good citizenship and, in doing her part toward making her community a better place in which to live, sets a shining example for her neighbors and all citizens of St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Opal Robinson of Springville, Alabama, for outstanding contributions to the community and direct that she receive a copy of this resolution, expressing our sentiments of sincere appreciation and esteem.

Approved May 27, 1987

Time: 1:05 P.M.

Act No. 87-118 H.J.R. 166—Rep. Wright

HOUSE JOINT RESOLUTION

COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the selection of Addie Rhodes Lee of Midfield, Alabama, as "Alabama Teacher of the Year 1987" and as Alabama's "Secondary Teacher of the Year," as well; and

WHEREAS, a native of Gum Branch, Mississippi, Addie Rhodes Lee is a graduate of East Central Junior College, and of Mississippi State University with the B.S. degree; she also holds the Master's degree from the University of Alabama, Certificate of Advanced Study from the University of Alabama in Birmingham and, in January 1984, was awarded a Ph.D. in Education from the University of Alabama; and

WHEREAS, Dr. Lee's distinguished career in education spans a period of 22 years, including two years as a business education instructor and teacher coordinator at Birmingham's Manpower Training Center, two years as a business and adult education instructor at Bessemer State Technical College, and 18 years in her present position as a business education teacher at Jefferson County's Minor High School; and

WHEREAS, Dr. Lee, even as a young child in rural Mississippi, was imbued with a burning desire to teach and it was through relentless and self-directed drive, and despite great financial and personal adversity that she ultimately achieved her goal; and

WHEREAS, thus as a truly dedicated teacher, Dr. Lee has always given generously of herself, her knowledge and abilities, even above and beyond her duties, to the benefit of all her students for whom she displays genuine care and concern; and

WHEREAS, she further is an exemplar of enthusiasm for her "calling" and extends her boundless energies to include involvement in the extracurricular programs at Minor High School and the activities of numerous professional organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contribution to the educational field, we hereby commend Addie Rhodes Lee of Midfield, Alabama, whom we hold in highest regard; in whom we are justly proud as our State's contender for National Teacher of the Year; and for whom a copy of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-119 H.J.R. 167—Rep. Blakeney

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING COACH NOLAN J. ATKINS AND THE SWEET WATER HIGH SCHOOL BULLDOGS ON THEIR 1986 CLASS 1A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Head Coach Nolan J. Atkins and the Sweet Water High School Bulldogs on their 1986 Class 1A Football Championship, the fourth championship for Coach Nolan in the past eight years; and

WHEREAS, assisted by Coaches Randy Smith and Randy Thomley, Coach Nolan led his powerhouse Sweet Water team to an outstanding 8-2 regular season record and to State Play-offs where the Bulldogs downed Uriah, Repton, Dozier, and Montgomery Academy by scores of 29-8, 10-7, 35-14 and 13-10, respectively; they then swamped Courtland 26-14 in the Title match to claim the State Crown and the glory for Sweet Water High; and

WHEREAS, Coach Nolan's Champion Bulldogs are: Ken Atkins, Keith Harrison, Pat Atkins, John Wilson, Shawn Gamble, Ted Marshall, Gerald Marshall, Tyrone Williams, Michael Lewis, Brooks Waters, Michael Watkins, Johnfer Landrum, Kelvin Johnson, Frank McGilberry, Steve Norris, Bernard Blanks, Jack Norwood, Todd Davis, Roderick Brothers, Donnie Ramsey, Jimmy Pritchett, Torriente White, Darren Curtis, Pat Butler, Kirk Vincent, Johnney Monghan, Sanders Worthy, Myron Pope, Robert Bridges, Scott Harvell, Buster Bridges, Larry Norris, Reese Vick, Scott Perkins, Rube Lewis, Travis Parker, Matt Lewis, Morris Etheridge, Scott Luker and Fred Malone; and

WHEREAS, cheering them to victory were Sponsor Sandra Walker's varsity cheerleaders: Sharon Sellars, Candy Walker, Kristi Pritchett, Tammy Walters, Kim Parker, Angela Huggins, Angie Pugh, Rebecca Sessions, Denise Harrison and Glenna McGilberry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment as our 1986 State 1A Football Champions, we hereby commend the Sweet Water High School Bulldogs; we further commend Coach Atkins on his four championship teams in the past eight years and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-120 H.J.R. 169—Reps. Gaston, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry,

Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright

HOUSE JOINT RESOLUTION

COMMENDING OUR COLLEAGUE, MARY ZOGHBY, 1986 FIRST LADY OF MOBILE.

WHEREAS, in commendation and great personal pride, the Alabama Legislature notes the selection of our friend and colleague, Mary Zoghby, as 1986 First Lady of Mobile, a signal honor bestowed by Beta Sigma Phi in recognition of outstanding service to the Mobile community, the State of Alabama and the nation; and

WHEREAS, Mrs. Zoghby, who has served in the Alabama House of Representatives since 1978 and currently chairs the House Banking Committee, enjoyed a successful career in advertising from 1969-1980, serving as president of the Advertising Federation in 1974, and is the recipient of the Federations' 1983 Silver Medal Award; and

WHEREAS, she further has received numerous other awards on both local and state levels, as well as nationally, for contributions and support in such areas as historic preservation, the arts, and prevention of domestic violence, among others; and

WHEREAS, Representative Zoghby is a board member of the Historic Mobile Preservation Society, the Mobile Arts Council, Penelope House, Mobile United, and is a member of Saint Pius X Catholic Church and of various boards that support the work of the church; and

WHEREAS, Representative Zoghby is a truly dedicated servant of the people whose efforts and activities transcend the bounds of her public career to encompass the affairs of the community and the total well-being of her follow citizens; we are indeed proud of her accomplishments and are privileged to share the responsibilities of the Legislature with a woman of such outstanding capability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend our friend and colleague, Mary Zoghby of Mobile, for distinguished achievement and direct that she receive a copy of this resolution which we execute in warmest personal regard.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-121 H.J.R. 170—Rep. McClain

HOUSE JOINT RESOLUTION

COMMENDING CURTIS ALLEN GARRETT OF MIDFIELD, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Curtis Allen Garrett of Midfield, Alabama, as the recipient of the Mrs. William J. Ruston (Elizabeth Perry) Scholarship at Birmingham-Southern College; and

WHEREAS, Curtis Allen Garrett, as the beneficiary of this prestigous $7,500 renewable scholarship, was selected on the basis of his superior academic achievement, estimable character, potential for leadership and for the concern he evidences for others; and

WHEREAS, a senior at Midfield High School, Curtis Garrett is vice president of the National Honor Society and is a member of the Computer Club and Explorer Scouts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Curtis Allen Garrett of Midfield, Alabama, for outstanding

academic achievement, and direct that he receive a copy of this resolution of highest regard that he may know of our sincere admiration of his numerous and notable accomplishments and of our warm best wishes for every future success in life.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-122 H.J.R. 171—Reps. Richardson, Faulk, Blakeney, Breedlove, Bryant, Hamilton, Lindsey, Logan, Mathis, Moon, Penry, Rains, Warren, White (F) and Willis

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF MAY 24-30, 1987, AS "HEIFER PROJECT INTERNATIONAL WEEK" IN ALABAMA.

WHEREAS, Heifer Project International is a unique self-help movement that, for 43 years, has been providing assistance and a promise of hope through its livestock development programs, both at home and abroad; and

WHEREAS, in its longstanding commitment to alleviating world hunger, Heifer Project is helping people in developmental situations to work their way out of the depths of poverty and to become self sufficient in providing for their own needs; and

WHEREAS, through gifts of livestock and the training and education necessary to produce their own herds, untold numbers of people around the globe have been enabled to stay on their own land and, more importantly, to gain dignity and self-respect while overcoming personal hunger and need; and

WHEREAS, in turn, these many project participants then became donors themselves by passing along the first offspring from his or her gift animal to another in need, thus perpetuating the purpose and commitment of Heifer Project International; and

WHEREAS, it is further to be noted that Alabama has a special interest in HPI, benefiting from three on-going programs in Butler, Greene, Sumter and Washington Counties, and from past projects, including Sheriff's Boys' and Girls' Ranches; our state also has historical ties to the Heifer Project movement in that the first HPI animals were shipped in 1944 from the Port of Mobile to the people of Puerto Rico and Bolivia, and, living in Alabama, are a former

board member, two advisors and a number of long-time volunteers with this commendable international movement; and

WHEREAS, thus, in recognition of the worthy purpose and cause of Heifer Project International, and in gratitude for its assistance to the poor of our state, it is entirely desirable that tribute be paid to the worldwide services provided by HPI; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the week of May 24-30, 1987, as "Heifer Project International Week" in the State of Alabama and would urge that said week be officially observed throughout the State.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-123 H.J.R. 172—Rep. McDowell

HOUSE JOINT RESOLUTION

COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the numerous and outstanding contributions of Johnny Long, Bessemer, Alabama, to District 35 of United Steelworkers of America and his selection as the recipient of the 1987 Labor Award of the Organized Labor and Workmen's Circle; and

WHEREAS, a native of Gainesville, Alabama, and a graduate of Bessemer's Brighton High School, Mr. Long attended Booker T. Washington Business College and the University of Alabama Center for Labor Education; he is a 1973 graduate of Lawson State Community College and has completed additional studies at Georgia State University; and

WHEREAS, Mr. Long, who is a United States Air Force veteran with four years' service, began his career in United Steelworkers of America in 1955 as a pipe finisher with U. S. Pipe and Foundry Company; he was first elected as recording secretary of Local Union 2140 and later served as financial secretary, and as president for two terms; and

WHEREAS, in 1976, he was appointed by the union's international president to serve as staff representative in the Atlanta,

Georgia, area of District 35 and he is the district's Civil Rights Coordinator, Consent Decree Coordinator and is a District 35 educator; and

WHEREAS, Mr. Long, as present assistant director of District 35, United Steelworkers of America, works closely with the Georgia State AFL-CIO, and is a vice president of the Atlanta Labor Council and member of A. Philip Randolph Institute, the Coalition of Labor Union Women, the Industrial Relations Research Association and the Martin Luther King, Jr., Center for Social Change; and

WHEREAS, Mr. Long further extends his activities to include involvement in the affairs of Antioch Baptist Church and he serves by appointment of Atlanta Mayor Andrew Young on that city's Civil Service Board; he also is a former two-term president of the Democratic Executive Committee, served as Constable of District 49 for two terms and was president of the Community Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and contributions to United Steelworkers of America, we hereby commend Johnny Long of Bessemer, Alabama, whom we hold in highest esteem and to whom a copy of this resolution shall be presented.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-124 H.J.R. 151—Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW),

Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING JACK PRATT OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, Jack Pratt of Birmingham, Alabama, was a highly regarded and influential member of the Alabama House of Representatives from 1983 to 1986, during which time he rendered dedicated service to his constituents, the State of Alabama and to all citizens thereof; and

WHEREAS, Representative Pratt's legislative tenure was indeed one of marked accomplishment and his abilities were recognized through assignment to a number of important House committees including State Administration, Health, Business and Labor, and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and express deep gratitude to Representative Jack Pratt for outstanding service to the Alabama House of Representatives and to the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to our good friend, the Honorable Jack Pratt of Birmingham.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-125 H.J.R. 152—Reps. Mikell, Hooper, McKee, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McMillan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE SAFETY PROGRAM OF THE INSPECTOR DETECTOR ASSOCIATION AND DESIGNATING "INSPECTOR DETECTOR" AS AN OFFICIAL STATE SAFETY MASCOT.

WHEREAS, the Inspector Detector Association, a non-profit organization with international headquarters located in Montgomery,

Alabama, was established for the purpose of promoting all facets of safety such as fire safety, automobile safety, general health safety and dental preventive maintenance; and

WHEREAS, designed primarily for children, the IDA safety program is promoted through the organization's "Inspector Detector" who is a costumed character, a puppet and an animated character; and

WHEREAS, "Inspector Detector" is used as a teaching vehicle in public service announcements and through special cartoon messages distributed to children by various businesses; he also is widely utilized as a teaching tool that is available to the Montgomery area schools; and

WHEREAS, the Inspector Detector Association is indeed to be commended for its outstanding contributions in the area of safety promotion, primarily for children, and it is entirely appropriate that "Inspector Detector" receive official recognition for his impact on safety awareness by the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate "Inspector Detector," the cartoon character creation of the Inspector Detector Association, as an official safety mascot for the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to IDA international headquarters in Montgomery, Alabama.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-126 H.J.R. 154—Rep. Petelos

HOUSE JOINT RESOLUTION

CONGRATULATING DAVEY ALLISON OF HUEYTOWN, ALABAMA, ON HIS CAPTURE OF THE 18TH ANNUAL WINSTON 500.

WHEREAS, the Alabama Legislature, in great personal pride, congratulates Hueytown native Davey Allison as winner of the 18th Annual Winston 500 on May 3, 1987, at Alabama International Motor Speedway in Talladega; and

WHEREAS, in winning the Winston Cup, it was "like father, like son" for Davey Allison whose first victory on the NASCAR

circuit followed last year's Winston win for his father, Bobby Allison; and

WHEREAS, though the race was red-flagged for more than two and one-half hours, due to a multicar pileup involving his father, the younger Allison in his Ford Thunderbird returned to finish and win the race, leading in 101 of the 178 laps and averaging more than 154 m.p.h.; and

WHEREAS, Davey Allison is indeed to be commended on this outstanding triumph and also as the first rookie to win a Winston Cup since 1981; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and with great pride in the achievement of our own Winston 500 Champion, we hereby commend Davey Allison of Hueytown, Alabama, whom we most heartily congratulate and to whom a copy of this resolution shall be forwarded.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-127 H.J.R. 155—Rep. Bryant

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF SANDY BENNETT OF NEWBERN, HALE COUNTY, ALABAMA.

WHEREAS, in a sense of deep sorrow, the Alabama Legislature records the death of Sandy Bennett of Newbern, Hale County, Alabama, on April 25, 1987, at the age of 100 years; and

WHEREAS, a native and lifelong citizen of Hale County, Sandy Bennett was born December 6, 1886, to his parents and former slaves, Rhinnie and Allen Bennett, who reared their son with loving kindness and in the nurture and admonition of the Lord; and

WHEREAS, Sandy Bennett, as a teenager, accepted Christ as his Lord and Savior, joining the First Missionary Baptist Church of Newbern where he was faithful in attendance and in service until his activities were curtailed by failing health; and

WHEREAS, Mr. Bennett was married to the late Loree Bennett and they were the parents of one daughter and seven sons, all of whom were sorely grieved as their beloved father was laid to rest

and so eloquently eulogized by his son, The Reverend David L. Bennett; and

WHEREAS, though now resting from his labor and at peace with the Lord, Sandy Bennett, in death, has left a deep void in the community and in the hearts of all those whose lives he touched in loving care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Mr. Sandy Bennett of Newbern, Hale County, Alabama, and direct that a copy of this resolution be provided for his family that his daughter, Mrs. Rhinnie Scott; sons, Moses, Robert and William Norflett and Sandy, Jr., Glen and David Bennett; and other family members may know that we sincerely share the sorrow of their great and grievous loss.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-128 H.J.R. 156—Rep. Lindsey

HOUSE JOINT RESOLUTION

COMMENDING L. D. BRUCE ON A DISTINGUISHED CAREER WITH THE CHEROKEE COUNTY SCHOOL SYSTEM.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished career of L. D. Bruce as an educator with the Cherokee County School System from 1947 until retirement on August 31, 1986; and

WHEREAS, a native of Crossville, Alabama, and a graduate of Crossville High School, Mr. Bruce was awarded an athletic scholarship by Newberry College, Newberry, South Carolina, where he played football from 1939 through 1941, at which time he joined the United States Navy to serve for more than three years with great honor and distinction; and

WHEREAS, following World War II, L. D. Bruce became the first veteran to enroll at Jacksonville State University where he served as co-captain of the Gamecocks while also assisting with football spring training at JSU and serving as basketball coach at Jacksonville Junior High School; and

WHEREAS, Mr. Bruce, who earned the Bachelor of Science degree from Jacksonville State in 1947, later became the first student

to enroll in said university's Master of Science in Education program and was awarded this degree in 1960; and

WHEREAS, beginning his eventful career at Cedar Bluff High School in 1946, L. D. Bruce served first as head coach, later as head coach and principal, and finally as principal, which was his capacity at the time of retirement; and

WHEREAS, among numerous of Coach Bruce's accomplishments are his record of 58 consecutive football victories and his selection, in 1959, as Class "A" Football Coach of the Year by the Birmingham Post Herald; and

WHEREAS, Mr. Bruce is a member of the Cedar Bluff Masonic Lodge, Chapter 486, and also is a member of the First Baptist Church of Cedar Bluff where he has served faithfully for a number of years as Deacon and as a Sunday School teacher; now therefore,.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement during a distinguished 40-year tenure at Cedar Bluff High School, we hereby commend L. D. Bruce, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-129 H.J.R. 157—Reps. Kennedy, Buskey (JE) and Newton

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF THE REVEREND DR. MARION L. NEWMAN OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of the Reverend Dr. Marion L. Newman of Birmingham, Alabama, on May 6, 1987; and

WHEREAS, a distinguished minister and a citizen of our state for a number of years, Dr. Newman had pastored Phillip Temple Christian Methodist Church in Phenix City, Stewart Memorial CME Church in Mobile and, at the time of his death, was serving as pastor of Saint Mark CME Church in Birmingham, Alabama; and

WHEREAS, though successful in all phases of his ministry at these pastorates, Dr. Newman's crowning achievement was through

his great works and leadership while at Stewart CME Church in Mobile, where he was instrumental in both the design and construction of a magnificent new church edifice; and

WHEREAS, he further led in the congregational purchase of an entire square block of property, the site of the new Stewart Memorial Church that was built in an incredibly short period of time and that today stands tall as it reaches toward Heaven; and

WHEREAS, never, however, to rest on his laurels, Dr. Newman, in his Birmingham pastorate, also led his congregation in the purchase of a new church edifice, a beautiful facility with grand entrance services scheduled for May 10, 1987, and for which Dr. Newman will be present in spirit; and

WHEREAS, the Reverend Dr. Marion L. Newman was indeed a true servant of God; he was a man of boundless energy, was possessed of an infectious and enthusiastic personality, and his service to all humankind extended to include involvement in civic and community affairs throughout the state; and

WHEREAS, thus, in the death of Dr. Marion L. Newman, both his flock and the community have suffered the inconsolable loss of a devoted Christian, a true statesman and a learned man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks to God for the life and labors of the Reverend Dr. Marion L. Newman of Birmingham, Alabama; we further extend sincere and deepest sympathy to his beloved wife and family and direct that they receive a copy of this resolution, evidencing our shared sorrow in their deep and grievous loss.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-130 H.J.R. 164—Reps. Blake and Junkins

HOUSE JOINT RESOLUTION

COMMENDING JULIUS MITCHELL OF PELL CITY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY.

WHEREAS, the Legislature of Alabama, in commendation and esteem, notes the worthy efforts of Julius "Mitch" Mitchell of Pell

City, Alabama, toward a goal of a clean and more beautiful community; and

WHEREAS, Mr. Mitchell, who became concerned over the large amount of cans, bottles, and other debris littering the roads and highways in his community and other areas in St. Clair County, assumed the responsibility for "policing" the highway near his home; and

WHEREAS, giving freely of his time, Mr. Mitchell conscientiously, and on a regular basis, picks up litter that has been scattered along a stretch of highway within an area of about one-half mile of his home; and

WHEREAS, Mr. Mitchell is indeed an exemplar of good citizenship and, in doing his part toward making his community a better place in which to live, sets a shining example for his neighbors and all citizens of St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Julius "Mitch" Mitchell of Pell City, Alabama, for outstanding contributions to the community and direct that he receive a copy of this resolution, expressing our sentiments of sincere appreciation and esteem.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-131 H.J.R. 89—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RUSHIA ODESSA BYRUM OF GADSDEN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mrs. Rushia Odessa Byrum of Gadsden, Alabama, on August 23, 1986, at the age of 91 years; and

WHEREAS, although a native of Blount County, Alabama, Mrs. Byrum had resided in Gadsden for the great majority of her lifetime; she was the widow of C. D. Byrum of Gadsden and the mother of eleven children, three of whom preceded her in death; and

WHEREAS, Mrs. Byrum, who was a longtime and faithful member of Alabama City United Methodist Church, was a prominent

member of her community where she was active in numerous religious, charitable and civic affairs, and her death has left a deep void in the hearts of all those whose lives she touched with genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Rushia Odessa Byrum of Gadsden, Alabama, and extend our very deepest sympathy to her daughters, Mrs. Sadie Hood, Miss Pat Byrum, Mrs. Peggy Sherrell, Mrs. Shelba Stone, Mrs. Joe Cornelius and Mrs. Randall Mardis; sons, C. D. and Roy (Red) Byrum; and to other family members and friends, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their deep and inconsolable loss.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-132 H.J.R. 90—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING THE MOBILE COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION.

WHEREAS, the Legislature of Alabama notes with highest praise and commendation that the Mobile County Volunteer Fire and Rescue Association will host the next annual convention of the state association, July 30 through August 1, 1987; and

WHEREAS, the Alabama Association of Volunteer Fire Departments is comprised of 954 volunteer departments, statewide, with more than 38,000 members, and it is anticipated that some 1,400 official delegates and other representatives will visit Alabama's port city for the 1987 convention; and

WHEREAS, as host for the state meeting, the Mobile County Volunteer Fire and Rescue Association will be responsible for the planning and implementation of numerous activities related to such a large assembly, and we are confident that the members' efforts will result in one of the most successful events in the state association's history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile County Volunteer Fire and Rescue Association, and its members, individually, as hosts for the 1987 Annual

State Convention of the Alabama Association of Volunteer Fire Departments.

BE IT FURTHER RESOLVED, That in token of our sincere praise and esteem, a copy of this resolution of commendation shall be forwarded to the Mobile County Volunteer Fire and Rescue Association.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-133

H.J.R. 91—Reps. Turner, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L),

Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN PALMER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of John Palmer of Mobile, Alabama, on April 15, 1987, as a result of a helicopter crash near Tyler, Texas; and

WHEREAS, a native of Mobile and a graduate of John Shaw High School, Mr. Palmer was a four-year veteran of the United States Navy and served for ten years as a civilian aircraft mechanic; he also had completed studies at the Embry Riddle Aeronautical University in Bunnell, Florida, and, at the time of his death, was serving as director of maintenance with the University of South Alabama Medical Center SouthFlite USA program; and

WHEREAS, it was in connection with his position with USA that Mr. Palmer was aboard the medical center's main aero-medical helicopter that was enroute to Fort Worth, Texas, for completion of its annual maintenance checkup; and

WHEREAS, John Palmer was a highly trained professional in his field and was entirely dedicated to the SouthFlite USA aero-medical program and its life-saving cause; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John Palmer of Mobile, Alabama, and extend deepest sympathy to his wife, Mrs. Angela Palmer, and to other family members.

BE IT FURTHER RESOLVED, That Mrs. Palmer receive a copy of this resolution, and that a copy also be provided that their unborn child may later know of this body's sincere sorrow in his father's lamentable death.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-134 H.J.R. 92—Reps. Turner, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box,

Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

MOURNING THE DEATH OF RAYMOND L. WOOD OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Raymond L. "Ray" Wood of Mobile, Alabama, on April 15, 1987, as the result of a helicopter crash occurring near Tyler, Texas; and

WHEREAS, Mr. Wood, chief pilot since 1984 of SouthFlite USA, the University of South Alabama Medical Center main aero-medical helicopter service, was enroute to Ft. Worth, Texas, for completion of SouthFlite's annual maintenance checkup; and

WHEREAS, a graduate of the Spartan School of Aeronautics Mechanic Training and a former pilot with the Oklahoma National Guard, Mr. Wood was a graduate of Oklahoma University with a

B.S. degree in finance; he also was a Viet Nam veteran pilot and an instructor pilot during his United States Army career, and was a former offshore line pilot for several interests along the Louisiana coastal area; and

WHEREAS, he further had worked to develop and establish the USA emergency services rapid response program which has made, to date, 289 flights, and his dedication to his work was exemplary in all respects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Raymond L. "Ray" Wood of Mobile, Alabama, and extend deepest sympathy to his wife, Mrs. Annette Wood, and to other family members whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-135

H.J.R. 111—Reps. Penry, McMillan and Harper

HOUSE JOINT RESOLUTION

MEMORIALIZING THE U.S. CONGRESS AND THE DEPARTMENT OF COMMERCE TO STUDY TURTLE EXCLUDER DEVICES WHICH HAVE DETRIMENTAL EFFECTS ON OUR SHRIMPING INDUSTRY.

WHEREAS, a Turtle Excluder Device (TED) is constructed of parallel steel bars and is sewn into shrimp trawls so that turtles and other large objects (such as large fish, sharks, etc.) will strike the bars and the object will be diverted out through a slit in the trawl; and

WHEREAS, most development and testing was done by the National Marine Fisheries Service of the U.S. Department of Commerce on the east coast of Florida where there are many turtles but where trawling conditions are different than in the Gulf of Mexico; tests showed that most turtles were deflected but the loss of shrimp was poorly studied because of low catches in the test area. Shrimpers who have used them in different areas of the Gulf have experienced the following problems:

1. Unacceptable loss of shrimp.

2. Fouling of the parallel bars with sea grass, weeds and other debris.

3. Dangerous handling in rough seas.

4. Lack of confidence in TEDS and understanding why they are needed in areas where there are very few sea turtles; and

WHEREAS, many factors have affected turtles such as beach development, oil field development, slaughter in Mexico and others; shrimp trawls are scheduled to be regulated because NMFS doesn't know how to deal with the other problems; and

WHEREAS, more testing is needed in the Gulf under realistic conditions to determine shrimp loss and better design of TEDS and more information is needed to delineate areas where TEDS are actually required before covering such areas as Mobile Bay; there are localized areas where they may be required but not in all areas now selected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the National Marine Fisheries Service of the U.S. Department of Commerce to do extensive statistical studies on the Turtle Excluder Devices (TEDS) so as to protect the shrimper from his losses of shrimp, money and time in the release of snared turtles and to make a realistic decision based on factual data if such device is warranted to justify such expenditure and hardship for the shrimpers.

BE IT FURTHER RESOLVED, That we strenuously object to the use of TEDS or any similar devices off the coast of Alabama until the aforementioned research and studies are made.

RESOLVED FURTHER, That copies of this resolution be sent to the Alabama Department of Conservation and Natural Resources, the National Marine Fisheries Service and to each member of the Alabama Congressional Delegation.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-136 H.J.R. 113—Reps. Williams and Holley

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF R. MAC IRVING OF OZARK, ALABAMA.

WHEREAS, it is with the deepest sense of loss that the Alabama Legislature expresses its sympathy for the death of R. Mac Irving of Ozark, Alabama; and

WHEREAS, Mac Irving was a great tribute to his home community and to the state of Alabama both in his leadership and work as vice president of Frit Industries in Ozark and his service as a prominent civic leader and leading proponent in the field of public education; and

WHEREAS, Mac Irving, at the time of his death at the age of 45, was president of the Alabama Association of School Boards, past chairman and two-term member of the Ozark City Board of Education, chairman of the State Advisory Committee on Vocational Education and, by presidential appointment, a member of the National Commission on Secondary Vocational Education; and

WHEREAS, Dr. Irving was an active member of the United Methodist Church of Ozark, a member of the Ozark Rotary Club and an active participant in numerous other civic and community organizations; and

WHEREAS, Mac Irving, a native of Chickasha, Oklahoma, had adopted Alabama as his home for the past 15 years and shared with the people of this state his great knowledge and instilled in others his desire to improve all aspects of life; and

WHEREAS, the death of Mac Irving will leave a void in the lives of many and in the hearts of those people who worked closely with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we grievously mourn the untimely death of R. Mac Irving of Ozark, Alabama, and extend our most heartfelt sympathy to his wife, Judy; his son Kip, and his daughter, Carla; stepsons Todd and Scott; and to other family members whose loss we share and for whom copies of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-137 H.J.R. 114—Reps. Marks, Parker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke,

Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING SUSAN D. PARKER OF HARTSELLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

WHEREAS, in a desire to recognize Alabamians of outstanding achievement, the Legislature of Alabama notes with highest commendation the notable accomplishments of Susan D. Parker of Hartselle, Alabama, Director of College Promotions and Alumni for Calhoun State Community College; and

WHEREAS, associated with Calhoun College since 1973 and in her present capacity since 1982, Susan Parker holds the A.S. degree from Calhoun State Community College, B.S. degree from Athens State College, a Master's degree from the University of Alabama in

Birmingham and the Ph.D. degree in Administration from the University of Alabama, graduating Magna Cum Laude in acquisition of each degree; and

WHEREAS, Dr. Parker is indeed possessed with extraordinary ability and, through leadership and example, serves her profession with great distinction; she is a member and past president of the Alabama Association for Counseling and Development and also an active member of the American Association for Counseling and Development, the Alabama and American College Personnel Associations, Alabama School Counselors Association, Alabama Association of Collegiate Registrars and Admissions Officers, Alabama Association of Women Dean Administrators and Counselors, the Calhoun Community College Foundation, and the Alabama and American Education Associations; and

WHEREAS, she further has served in a number of consultant, supervisory and leadership capacities, both professional and community related, and has conducted many training programs, seminars and presentations on a myriad of subjects; and

WHEREAS, Dr. Parker, additionally, has extended her involvement to include leadership and participation in the activities of such worthy organizations as the Decatur Civitan Club, Morgan County United Way, Morgan County Cancer Society and the Decatur Chamber of Commerce, among others; and

WHEREAS, in recognition of her outstanding achievement and accomplishment, Susan D. Parker has received numerous honors and accolades including Alabama Jaycees Outstanding Young Woman of Alabama (1987), Alabama's Outstanding Young Career Woman (1985), the Katherine Cater Award, the University of Alabama's Most Outstanding Woman Graduate Student (1983), Outstanding Junior at Athens State (1976), Outstanding Young Woman of America on four occasions, High School Valedictorian (1972), Outstanding Volunteer of Morgan County (1985) and Who's Who Among Human Service Professionals (1986); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise of her accomplishments and contributions to her profession and the community, we commend Susan D. Parker of Hartselle, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-138 H.J.R. 115—Rep. Flowers

HOUSE JOINT RESOLUTION

NAMING THE JACK DUNN ROAD.

BE IT RESOLVED, BY THE LEGISLATURE OF THE STATE OF ALABAMA, That the portion of state Highway 223 in Pike County from roadmark 2.3 to 3.6 shall be designated and named the Jack Dunn Road.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the state Highway Department.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-139 H.J.R. 117—Rep. Walker

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MR. HENRY WALTERS OF LEGRAND, ALABAMA, ON THE OCCASION OF HIS 73RD BIRTHDAY.

WHEREAS, it is with greatest pleasure that the Alabama Legislature congratulates Mr. Henry Walters of LeGrand, Alabama, on the occasion of his 73rd birthday, April 14, 1987; and

WHEREAS, a native and lifelong resident of Montgomery County, Mr. Walters was born April 14, 1914, and has been married for the past 46 years to the former Dorothy L. Walters; they are the parents of two children and have five grandchildren and seven great grandchildren; and

WHEREAS, Mr. Walters, who is a prominent and beloved member of the LeGrand Community, is a Deacon and a member, for more than forty years, of the Jerusalem Baptist Church; he also is a Mason, a member of the Young Men's Savings and Protective Club, Farmers' Cooperative and is active in a number of other community organizations and affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his 73rd birthday, we hereby most heartily congratulate Mr. Henry Walters of LeGrand, Alabama, an exemplary citizen, a devoted family

man and a prominent community leader, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-140

H.J.R. 118—Reps. Cosby, Bryant and Thomas

HOUSE JOINT RESOLUTION

COMMENDING THE CEDAR PARK/EDGEWOOD OLYMPICS OF THE MIND TEAM.

WHEREAS, it is with warm personal pride and pleasure that the Legislature of Alabama extends heartiest congratulations to the students of Selma's Cedar Park and Edgewood Elementary Schools who won top state honors in the "Olympics of the Mind" competition held in Tuscaloosa, Alabama, in March 1987; and

WHEREAS, the champion Cedar Park/Edgewood team consists of fifth graders Leigh Miller, Jennifer Ellis, Rebecca Stringer, Jody Titus, Nicole Fuller, Mary Alston Fitts and Lauren Andres; the team's coach is Mrs. Luanne Miller and teacher-coaches are Mrs. Louise Wood and Mrs. Suzanne Stringer; and

WHEREAS, Olympics of the Mind is a competition designed to give our youth the opportunity for experimental search for alternate solutions to difficult problems, thereby enabling them to be prepared, as adults, for an innovative approach to unusually difficult problems in maturity; and

WHEREAS, it is further to be noted that as a result of its first place showing in statewide competition, the Cedar Park/Edgewood team has qualified for the World Olympics and, in Mount Pleasant, Michigan, will face representatives from the majority of the states and from several other countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Cedar Park/Edgewood Schools and their coaches, Mrs. Luanne Miller, Mrs. Louise Wood and Mrs. Suzanne Stringer, each of whom shall receive a copy of this resolution in small token of our sincere warm praise and regard.

BE IT FURTHER RESOLVED, That copies also shall be provided for each member of the team and for appropriate display at Cedar Park and Edgewood Schools.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-141 H.J.R. 121—Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING EMMETT V. MOSELEY OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Emmett V. Moseley of Mobile, Alabama, whose company, Automation Technology, was selected by the Mobile Area Chamber of Commerce as "Small Business of the Year" for 1986; and

WHEREAS, this prestigious recognition reflects highly indeed on Mr. Moseley's ability and achievement as a Mobile Area small businessman and he is to be commended for his contributions to the business community and for his involvement, as well, in other community affairs and activities; and

WHEREAS, Mr. Moseley, who is a member of Spring Hill Baptist Church, also is a Technical Associate of Pulp and Paper Industry and a member of the Louisiana State University Alumni Association, Institute of Electrical and Electronics Engineers, Inc., Instrument Society of America, Associated Builders and Contractors of South Alabama and of Sales and Marketing Executives of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to the business community, and for civic and community leadership, we hereby most highly commend Emmett V. Moseley of Mobile, Alabama, for whom a copy of this resolution of sincere regard shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-142 H.J.R. 133—Reps. Grayson, Brooks, Freeman, Hall, Hettinger and Butler

HOUSE JOINT RESOLUTION

COMMENDING J. O. JOHNSON HIGH SCHOOL JAGUARS BOYS BASKETBALL TEAM, 1987 6A STATE CHAMPIONS.

WHEREAS, the J. O. Johnson High School boys basketball team distinguished itself and brought immense pride to its school, students, parents and the citizens of Huntsville, Alabama, by winning the 6A State Championship in basketball, besting Auburn High School by a score of 62 to 59; and

WHEREAS, the Jaguars compiled a record of 27 wins against 4 losses enroute to Championships in the City of Huntsville, Area 16 and Division 6A of the State; and

WHEREAS, team members Scott Laughinghouse, Darren Haley and Timmy Long won All State Tournament 6A berths and Troy Conerly made All State Honorable Mention as well as the McDonald's All-American Basketball Team; Scott Laughinghouse also was MVP on the Huntsville Times All-City Team, and was named to First Team All State along with teammates Herman Burwell, Darren Haley, Timmy Long and Troy Conerly; and

WHEREAS, Head Coach Danny Petty, who was selected as 6A Coach of the Year and Huntsville Times Coach of the Year, was ably assisted by Coaches Gary Orr and Greg Tidmore, Managers Troy Mims and Shawn Bennett, Scorekeeper Darryl Laughinghouse, Statistician Debbie Hargett, Film Crew Stephanie Laughinghouse and Lynell Moore; and

WHEREAS, other team members contributing immeasurably to the success of this Herculean accomplishment were Michael Hunter, Keith Jones, Jonathan Tuck, Byron Purnell, Kevin Davis, Keith Price, Marcus Davis, Darrell Wilson and Jeff Dees; and

WHEREAS, it is the desire of this Legislature to properly honor these eminently successful young people for the positive influence their achievement has had upon the lives of their peers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby extend accolades of praise to the J. O. Johnson High School Jaguars, 1987 6A State Basketball Champions, and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-143 H.J.R. 150—Reps. Payne and Biddle

HOUSE JOINT RESOLUTION

CONGRATULATING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Hewitt-Trussville High School Wrestling Team, our 1987 State Class 6A Champions over runner-up Berry High and third-place Vestavia, former two-time State Champions; and

WHEREAS, in addition to the State 6A Title, the Hewitt-Trussville team also posted for the records such outstanding accomplishments as a 6-1 dual record; first place in the Benjamin Russell, Erwin and Hewitt tournaments; and second place in the Auburn tournament; and

WHEREAS, they further were just five points behind Troup County, Georgia, the eventual Georgia State Champions in Class 3A, and were 22 points ahead of LaGrange, Georgia, the eventual Georgia 4A Champions; and

WHEREAS, under the talented leadership and direction of Head Coach Toney Pugh and Assistant Coach Joe Sicola, Hewitt-Trussville set a new record for the most points (208½) ever scored in the State Tournament, and eleven of thirteen starters finished fifth or higher in State; and

WHEREAS, over the last five years, the Hewitt wrestlers have won two State Crowns (1983 and 1987); were State Runner-up in 1985 and 1984; and were fourth in the State in 1986; and

WHEREAS, deserving of highest praise for their 1986-87 performances are: 98—Corey Castleberry (3rd State); 105—Michael Vaughn (5th State); 119—Steven Blalock (2nd State); 112—Jeff Calma (4th State); 126—Davey Needham (5th State); 132—Patrick Whisenant (2nd State); 138—Greg Hayes (3rd State); 145—Walter Tipton (State Champion); 155—David Freeman (3rd State); 167—Edwin Hocutt; 177—Grant Oden; 192—Michael Smitherman (State Champion); HW—Jimmy Blalock (3rd State); and Raymond Jourdan, Ken Whitlock, Jeremy Harper, Steven Joganic, Tyrone Gunn, Bass Riggins, Marc Hubble, Rusty Lewis, Billy Bowman, Bart Washburn and Jimmy Laborde; and

WHEREAS, the '86-'87 Hewitt-Trussville Matmaids are Paige Bryant, Sandra Bramlett, Corrie Ashworth, Rhonda Dunaway, Callie Martens, Cindy Stanley, Kristin Marshall, Kristie Simpson, Kelly

Summers, Stephanie McIntyre, Monica Brown, Karen Messer, Monica Sewell and Laurie Glenn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly congratulate and commend the Hewitt-Trussville High School Wrestling Team as our 1987 Class 6A State Champions, and direct that copies of this resolution be forwarded to Athletic Director Jack Wood and Principal Kenneth Abbott for appropriate presentation and school display.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-144 H.J.R. 60—Rep. Reed

HOUSE JOINT RESOLUTION

WELCOMING PRESIDENT RONALD REAGAN TO ALABAMA AND TO THE TUSKEGEE UNIVERSITY CAMPUS.

WHEREAS, it is with great pleasure and in warm cordiality that the Alabama Legislature welcomes President Ronald Reagan to the State of Alabama, the City of Tuskegee and, most particularly, to Tuskegee University for the purpose of delivering the 1987 Commencement Address; and

WHEREAS, also during this visit to the Tuskegee campus, President Reagan will participate in ceremonies dedicating the "General Daniel 'Chappie' James Center for Aerospace Science and Health Education" built in honor and memory of the late General James who was an illustrious Tuskegee graduate and our nation's first Black Air Force four-star general; and

WHEREAS, it is further to be noted that this impressive facility was in large part funded by a federal grant in the amount of $9 million obtained during President Reagan's administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to President Ronald Reagan a most cordial welcome to Tuskegee University and the State of Alabama, and direct that he receive a copy of this resolution, executed in gratitude for his continuing interest and concern for the affairs of our state and in the progress and well-being of Tuskegee University.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-145

H.J.R. 67—Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING SPENCER BACHUS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, Spencer Bachus of Birmingham, Alabama, was a highly regarded and influential member of the Alabama Legislature from 1982-1986, serving for one year in the State Senate and, from 1983 to 1986, in the House of Representatives; and

WHEREAS, Representative Bachus' legislative tenure was indeed one of marked accomplishment and his leadership abilities were

recognized through assignment to a number of important committees including Judiciary, Governmental Affairs, Education, Banking and Insurance, Business and Labor, and as vice-chairman of Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend and express deep gratitude to Representative Spencer Bachus for outstanding service to the Alabama Legislature and the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to our good friend, the Honorable Spencer Bachus of Birmingham.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-146 H.J.R. 68—Reps. White (G), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers,

Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING CHRIS MCNAIR OF BESSEMER, ALABAMA, FOR DISTINGUISHED SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, Chris McNair of Bessemer, Alabama, was a highly regarded and influential member of the Alabama House of Representatives from 1973-1978 and from 1983-1986, during which time he rendered dedicated and distinguished service to his constituents, the State of Alabama and to all citizens thereof; and

WHEREAS, Representative McNair's tenure was indeed one of marked accomplishment and his leadership abilities were recognized through assignment to a number of important House committees including Education, Constitutions and Elections, Natural Resources and Local Legislation for Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend and express deep gratitude to Representative Chris McNair for outstanding service to the Alabama House of Representatives and to the State of Alabama.

BE IT FURTHER RESOLVED, That in small token of our sincere appreciation and regard, a copy of this resolution shall be forwarded to the Honorable Chris McNair of Birmingham.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-147 H.J.R. 76—Rep. Harvey

HOUSE JOINT RESOLUTION

CONGRATULATING COACH JEFF MILWEE AND THE J. B. PENNINGTON HIGH SCHOOL VARSITY ON THEIR OUTSTANDING 1986 FOOTBALL SEASON.

WHEREAS, in highest commendation, the Alabama Legislature congratulates Coach Jeff Milwee and the J. B. Pennington High

School varsity on their outstanding 1986 Football season and participation in the State 3A Play-offs; and

WHEREAS, under the direction and leadership of Coach Milwee, Assistant Coaches Keith Morrow, Tim Gillespie and Philip Vaughn, and Manager James Underwood, the Pennington powerhouse finished their '86 season with a 9-1 record, including 6 shutouts; the offense racked up 243 total points while the defense held their opponents to just 60 points for the season; and

WHEREAS, Pennington High, as Area 10 Champions, then traveled to the State 3A Play-offs, defeating Ashville 24-0 before losing to Oneonta in second-round play; and

WHEREAS, greatly contributing to this outstanding record were seniors Barry Smith, Darrell Goble and David Gilchrist, who won football scholarships to Troy, Jacksonville and Livingston State Universities, respectively, along with Clay Trammell, Randy Waldrop, Greg Neill, Donnie Adams, Johnny Fleming, Tommy Lee, Terry Washburn, Kenny Miller, Phil Hood, Rob Cole, Jonathan Murphree, Toby Smith, Andy Graves, Shane NeSmith, Mark Land, Keith Dempsey, John Ganus, Mike Sivley, Ross Smith, Don McRae, Wayne Murphy, Jon Vaughn, Rex Watson, Allen Shoemaker, Mike Hallmark, William Ray, William Burgett, John Benefield, Toby Martin, Steve Starnes, Billy Vaughn and Greg Williams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Jeff Milwee and Pennington High School on their outstanding 1986 Football season, and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-148

H.J.R. 77—Reps. Melton, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott,

Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

HONORING DR. CORDELL WYNN AS PRESIDENT OF STILLMAN COLLEGE AND FOR OUTSTANDING LEADERSHIP IN TUSCALOOSA COUNTY.

WHEREAS, Dr. Cordell Wynn, in his capacity as President of Stillman College, has been a resident of Tuscaloosa County since January 1, 1982; and

WHEREAS, Dr. Wynn has rendered yeoman service and brought honor to the citizenry of Tuscaloosa County and, indeed, the State of Alabama; and

WHEREAS, by gubernatorial appointment, Dr. Wynn represents the people of Alabama in a most excellent way on both the State Ethics Commission and the Tannehill Furnace and Foundry Commission; and

WHEREAS, by presidential appointment, Dr. Wynn serves on the local Selective Service Draft Board; and

WHEREAS, Dr. Wynn gives generously of his time, talent, energy, and resources to numerous professional, religious, social, civic, and charitable organizations on local, state, and national levels; and

WHEREAS, as an educational leader, consultant and pacesetter, Dr. Wynn's expertise and effectiveness are recognized, not only in the State of Alabama, but nationally and internationally as well; and

WHEREAS, his outstanding administrative skills and creative leadership ability in moving Stillman College forward earned him the 1987 "Alabama Administrator of the Year" Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby extend congratulations and appreciation to Dr. Cordell Wynn for ingenious leadership and exemplary service, and direct that a copy of this resolution be made available for Dr. Wynn, to be displayed at his discretion.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-149

H.J.R. 84—Reps. Bugg, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman,

Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING O. B. EMERSON OF TUSCALOOSA, ALABAMA, FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the long and distinguished tenure of Dr. O. B. Emerson as a member of the faculty of the University of Alabama in the College of Arts and Sciences; and

WHEREAS, prior to his recent retirement and for more than four decades, Dr. Emerson endeared himself to countless university students who knew and respected him, not only as their professor, but as a trusted mentor and a beloved friend; and

WHEREAS, in addition, however, to the close bonds of friendship with his students, Dr. Emerson was an outstanding teacher as evidenced by such high recognitions as the University of Alabama's Outstanding Commitment to Teaching Award; he further is a widely accepted authority on Southern literature, a staunch proponent of Alabama literature, and has served as president of both of Alabama's major professional associations of English teachers; and

WHEREAS, Dr. O. B. Emerson, through his dedicated service, indeed has brought great honor to the University of Alabama; he further is held in highest esteem by his professional peers and by those students who have so greatly benefited from his vast knowledge of literature, and from his unique ability to impart his understanding and love of the classics and the contemporary works of the great authors of our time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the University of Alabama, we hereby commend Dr. O. B. Emerson of Tuscaloosa, Alabama, whom we hold

in utmost regard and for whom a copy of this resolution shall be provided.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-150 H.J.R. 88—Reps. Bugg and Junkins

HOUSE JOINT RESOLUTION

COMMENDING DOROTHY JACKSON OF ETOWAH COUNTY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Dorothy Jackson on her October 1986 selection as the first woman ever to serve as chief jailer of the Etowah County Jail; and

WHEREAS, this signal honor was accorded Ms. Jackson, as was her promotion to the rank of captain, following six years of dedicated service at the jail—first as matron and overseer of female prisoners and, for the past five years, as a lieutenant and general assistant to the chief jailer; and

WHEREAS, it is further to be noted that Captain Jackson, in her new position, has indeed justified the trust of her selection in that the Etowah County Jail consistently receives highest ratings from the Etowah County Health Department, State Fire and Health Inspectors, and the Etowah County grand jury which conducts monthly inspections of the jail facilities; and

WHEREAS, Captain Jackson, in addition to full responsibility for all jail personnel and prisoners, also is in charge of prisoner transfers to state penal institutions and the personal transfer of all female inmates to said correctional facilities; she further oversees the provision of educational, rehabilitation, employment and religious opportunities for prisoners in her charge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in deep appreciation for dedicated service as Chief jailer of the Etowah County Jail, we hereby commend Captain Dorothy Jackson and direct that she receive a copy of this resolution of sincere regard.

Approved May 27, 1987

Time: 1:10 P.M.

Act No. 87-151

H. 79—Reps. Burke, Butler, Fuller and Lindsey

AN ACT

To amend Section 8-17-216 of the Code of Alabama 1975, relating to permits for the possession and sale of special fireworks for public displays, so as to exempt certain distributors from a distributor's permit where such public display of fireworks is to be performed for charitable purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-17-216 of the Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-216.

"(a) Nothing in this article shall be construed as applying to the shipping, sale, possession and use of special fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations governing this type of fireworks by the alcohol, tobacco and firearms division of the U. S. treasury department, and their requirements met and any permit or license required by them secured before application for a state display permit is made.

"(b) Application for a state permit for public display must be made in writing to the state fire marshal at least 10 days before the display date. The application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. If the said display is to be performed within the limits of a municipality, the application shall so state and shall bear the signed approval of the chief supervisory officials of the fire and police departments of such municipality. Permits issued shall be limited to the time specified therein and shall not be transferable.

"(c) Possession and sale of special fireworks shall be limited to a holder of a federal license issued for display fireworks. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a distributor's permit only. Provided, however, such distributor's permit shall not be required where such special fireworks are for public display to be performed solely for The Alabama June Jam, Inc.; and provided further that the application for the state permit for public display shall show that the proposed display is to be performed solely for The Alabama June Jam, Inc."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1987

Time: 5:00 P.M.

Act No. 87-152 H. 80—Reps. Zoghby, Hammett, Clark (J), Fuller, Ford, Carter, Freeman, Wright, Harper, Hettinger, Logan, Laird, Starkey, White (G), Burke, Campbell, Junkins, Gray, Slaughter and Bugg

AN ACT

To create the "Alabama Regional Reciprocal Savings Institutions Act" which authorizes F.S.L.I.C. insured savings institutions, including savings and loan associations and savings banks, and savings and loan holding companies in certain jurisdictions to acquire Alabama savings and loan associations, savings banks and savings and loan holding companies where laws of the other jurisdiction would permit similar acquisitions by Alabama savings and loan associations, savings banks and savings and loan holding companies.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Alabama Regional Reciprocal Savings Institutions Act."

Section 2. For the purposes of this act, the following words and phrases shall have the following meanings unless the context indicates otherwise:

(1) "Acquire" means:

(A) The merger or consolidation of one savings institution with another savings institution, or a savings and loan holding company with another savings and loan holding company;

(B) The acquisition of the direct or indirect ownership or control of voting shares of a savings institution or savings and loan holding company if, after the acquisition, the acquiring savings institution or savings and loan holding company will directly or indirectly own or control more than five percent (5%) of any class of voting shares of the acquired savings institution or savings and loan holding company;

(C) The direct or indirect acquisition of all or substantially all of the assets of a savings institution or savings and loan holding company; and

(D) The taking of any other action that would result in the direct or indirect control of a savings institution or savings and loan holding company;

(2) "Branch Office" means any office at which a savings institution accepts deposits. The term branch office does not include:

(A) Unmanned automatic teller machines, point-of-sale terminals, or similar unmanned electronic banking facilities at which deposits may be accepted;

(B) Offices located outside the United States; and

(C) Loan production offices, representative offices, service corporation offices, or other offices at which deposits are not accepted;

(3) "Commissioner" means the savings and loan commissioner;

(4) "Company" means that which is set forth in the Federal Savings and Loan Holding Company Act, 12 U.S.C. §1730a (a)(1)(C), as amended;

(5) "Control" means that which is set forth in the Federal Savings and Loan Holding Company Act, 12 U.S.C. §1730a(a)(2), as amended;

(6) "Deposits" means all demand, time, and savings deposits, without regard to the location of the depositor; provided, however, that "deposits" shall not include any deposits by savings institutions. For purposes of this act, determination of deposits shall be made with reference to regulatory reports of condition or similar reports made by or to state and federal regulatory authorities;

(7) "Federal savings institution" means a savings institution chartered by the Federal Home Loan Bank Board pursuant to the "Home Owners' Loan Act of 1933," U.S.C. §1464, as amended;

(8) "Principal place of business" of a savings institution means the state in which the home office of the savings institution is located. For the purposes of this act, the principal place of business of a savings and loan holding company is the state in which its home office is located.

(9) "Savings and loan holding company" means any company which directly or indirectly controls a savings institution or controls any other company which is a savings and loan holding company;

(10) "Savings institution" means a mutual or capital stock savings and loan association, building and loan association or savings bank chartered under the laws of any one of the states or by the Federal Home Loan Bank Board, pursuant to the "Home Owners' Loan Act of 1933," 12 U.S.C. §1464, as amended, and insured by the Federal Savings and Loan Insurance Corporation (F.S.L.I.C.);

(11) "Service Corporation" means any corporation, the majority of the capital stock of which is owned by one or more savings institutions and which engages, directly or indirectly, in any activities which may be engaged in by a service corporation in which a savings institution may invest under the laws of the states or under the laws of the United States;

(12) "Southern Region savings institution" means a savings institution other than an Alabama savings institution organized under the laws of one of the Southern Region states or under the laws of the United States and that:

(A) Has its principal place of business only in a Southern Region state other than Alabama;

(B) Which if controlled by an organization, the organization is either a Southern Region savings institution or a Southern Region savings and loan holding company; and

(C) More than eighty percent (80%) of its total deposits, other than deposits located in branch offices acquired pursuant to Section 123 of the Garn-St. Germain Depository Institutions Act of 1982 [12 U.S.C. §1730a(m)] or comparable state law, are in its branch offices located in one or more of the Southern Region states;

(13) "Southern Region savings and loan holding company" means a savings and loan holding company that:

(A) Has its principal place of business in a Southern Region state other than the State of Alabama;

(B) Has total deposits of its Southern Region savings institutions' subsidiaries and Alabama savings institutions' subsidiaries that exceed eighty percent (80%) of the total deposits of all savings institutions' subsidiaries of the savings and loan holding company other than those savings institutions' subsidiaries held pursuant to Section 123 of the Garn-St. Germain Depository Institutions Act of 1982 [12 U.S.C. §1730a(m)] or comparable state law;

(14) "Southern Region states" means the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia;

(15) "State" means any state of the United States and the District of Columbia;

(16) "State savings institution" means an association organized under the laws of one of the states;

(17) "Subsidiary" means that which is set forth in the National Housing Act, 12 U.S.C. §1730a(a)(1)(H), as amended;

(18) "Alabama savings institution" means a savings institution organized under the laws of the state of Alabama or under the laws of the United States and that:

(A) Has its principal place of business in the State of Alabama;

(B) Which if controlled by an organization, the organization is either an Alabama savings institution, Southern Region savings institution, Alabama savings and loan holding company, or a Southern Region savings and loan holding company; and

(C) More than eighty percent (80%) of its total deposits other than deposits located in branch offices acquired pursuant to Section 123 of the Garn-St. Germain Depository Institutions Act of 1982 [12 U.S.C. §1730a(m)] or comparable state law, are in its branch offices located in one or more of the Southern Region states; and

(19) "Alabama savings and loan holding company" means a savings and loan holding company that:

(A) Has its principal place of business in the State of Alabama;

(B) Has total deposits of its Southern Region savings institutions' subsidiaries and Alabama savings institutions' subsidiaries that exceed eighty percent (80%) of the total deposits of all savings institutions' subsidiaries of the savings and loan holding company other than those savings institutions' subsidiaries held pursuant to Section 123 of the Garn-St. Germain Depository Institutions Act of 1982 [12 U.S.C. §1730a(m)] or comparable state law.

Section 3. (a) A Southern Region savings and loan holding company or a Southern Region savings institution that does not have an Alabama savings institution's subsidiary (other than an Alabama savings institution's subsidiary that was acquired either pursuant to Section 123 of the Garn-St. Germain Depository Institutions Act of 1982 [12 U.S.C. §1730a(m)], or comparable provisions in state law, or in the regular course of securing or collecting a debt previously contracted in good faith) may acquire an Alabama savings and loan holding company or an Alabama savings institution with the approval of the commissioner.

(b) The Southern Region savings and loan holding company or Southern Region savings institution shall submit to the commissioner an application for approval of such acquisition, which application shall be approved only if:

(1) The commissioner determines that the laws of the state in which the Southern Region savings and loan holding company or Southern Region savings institution making the acquisition has its principal place of business permit Alabama savings and loan holding

companies and Alabama savings institutions to acquire savings institutions and savings and loan holding companies in that state;

(2) The commissioner determines that the laws of the state in which the Southern Region savings and loan holding company or Southern Region savings institution making the acquisition has its principal place of business permit such Southern Region savings and loan holding company or Southern Region savings institution to be acquired by the Alabama savings and loan holding company or Alabama savings institution sought to be acquired;

(3) The commissioner determines that notices of intent to acquire specifying the name of the Alabama savings and loan holding company or Alabama savings institution to be acquired has been published at least once a week for two consecutive weeks during the period of thirty to one hundred eighty days prior to the effective date of the proposed merger in a newspaper of general circulation in the county or counties in which the principal office of the Alabama savings and loan holding company or Alabama savings institution to be acquired is located or that a notice of intent to acquire has been mailed via certified mail to each person owning stock in the Alabama savings and loan holding company or the Alabama savings institution to be acquired and to each member of a mutual savings and loan association; and

(4) The commissioner makes the acquisition subject to any conditions, restrictions, requirements or other limitations that would apply to the acquisition by an Alabama savings institution or Alabama savings and loan holding company of a savings institution or Alabama savings and loan holding company in the state where the Southern Region savings and loan holding company or Southern Region savings institution making the acquisition has its principal place of business but that would not apply to the acquisition of a savings institution or savings and loan holding company in such state by a savings institution or savings and loan holding company all the savings institutions subsidiaries of which are located in that state.

(5) The commissioner determines as to any Alabama savings institution or Alabama savings and loan holding company not in existence and operation on the effective date of this act that the Alabama savings and loan holding company or Alabama savings institution sought to be acquired has been in existence and continuously operating for more than five years or that all the subsidiaries of the savings and loan holding company have been in existence and continuously operating for more than five years.

Section 4. The commissioner shall have the power to enforce the provisions of this act, through the imposition of fines and penalties, the issuance of cease and desist orders, and such other

remedies as are provided by law, including but not limited to, judicial actions. The commissioner may promulgate such rules and regulations as are necessary to implement and effectuate the provisions of this act.

Section 5. Any Southern Region savings and loan holding company or Southern Region savings institution which controls an Alabama savings institution or Alabama savings and loan holding company shall be subject to such laws of this state and to the rules of the commissioner relating to the acquisition, ownership, and operation of Alabama savings institutions and savings and loan holding companies as are applicable to Alabama savings institutions and Alabama savings and loan holding companies.

Section 6. The commissioner is authorized to enter into cooperative agreements with other regulatory agencies to facilitate the regulation of savings institutions and savings and loan holding companies doing business in this state. The commissioner may accept reports of examinations and other records from such other agencies in lieu of conducting its own examination of savings institutions controlled by savings and loan holding companies located in other states and may provide reports of examinations and other records to such other agencies at their request. The commissioner may take any action jointly with other regulatory agencies having concurrent jurisdiction over Alabama savings institutions and savings and loan holding companies doing business in this state or may take such actions independently in order to carry out the responsibilities of the commissioner.

Section 7. Each application filed with the commissioner to make an acquisition pursuant to this act shall be accompanied by a fee in an amount to be set by the commissioner and approved by the State savings and loan board. All such fees shall be paid into the special fund set up by the State Treasurer pursuant to Section 5-2A-20.

Section 8. Notwithstanding any other provision of law to the contrary, an Alabama association or Alabama savings and loan holding company acquired pursuant to this act, or any successors to such an association or holding company by reason of an acquisition pursuant to this act, shall continue to have, after such acquisition, the same powers to establish or acquire branch offices and subsidiaries as such association or holding company possess prior to such acquisition.

Section 9. If any provision or clause of this act or application thereof to any entity or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 10. To the extent other laws or parts of laws, whether general, local, or general laws of local application, conflict with this act, such other laws or parts of laws are hereby amended to the extent of such conflict as necessary to permit full effectiveness of the provisions of this act.

Section 11. This act shall take effect July 1, 1987.

Approved June 2, 1987

Time: 3:15 P.M.

Act No. 87-153 H.J.R. 199—Rep. Freeman

HOUSE JOINT RESOLUTION

JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held on May 26, 1987, at 1:30 p.m., for the purpose of having Congressman Ronnie Flippo introduce Mr. J. R. Thompson, new director of Marshall Space Flight Center.

Approved June 2, 1987

Time: 3:15 P.M.

Act No. 87-154 H.J.R. 204—Rep. Wright

HOUSE JOINT RESOLUTION

COMMENDING ADDIE RHODES LEE OF MIDFIELD, "ALABAMA TEACHER OF THE YEAR 1987."

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the selection of Addie Rhodes Lee of Midfield, Alabama, as "Alabama Teacher of the Year 1987" and as Alabama's "Secondary Teacher of the Year," as well; and

WHEREAS, a native of Gum Branch, Mississippi, Addie Rhodes Lee is a graduate of East Central Junior College, and of Mississippi State University with the B.S. degree; she also holds the Master's degree from the University of Alabama, Certificate of Advanced Study from the University of Alabama in Birmingham and, in January 1984, was awarded a Doctorate in Education from the University of Alabama; and

WHEREAS, Dr. Lee's distinguished career in education spans a period of 23 years, including two years as a business education instructor and teacher coordinator at Birmingham's Manpower Training Center, two years as a business and adult education instructor at Bessemer State Technical College, and 19 years in her present position as a business education teacher at Jefferson County's Minor High School; and

WHEREAS, Dr. Lee, even as a young child in rural Mississippi, was imbued with a burning desire to teach and it was through relentless and self-directed drive, and despite great financial and personal adversity that she ultimately achieved her goal; and

WHEREAS, thus as a truly dedicated teacher, Dr. Lee has always given generously of herself, her knowledge and abilities, even above and beyond her duties, to the benefit of all her students for whom she displays genuine care and concern; and

WHEREAS, she further is an exemplar of enthusiasm for her "calling" and extends her boundless energies to include involvement in the extracurricular programs at Minor High School and the activities of numerous professional organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contribution to the educational field, we hereby commend Addie Rhodes Lee of Midfield, Alabama, whom we hold in highest regard; in whom we are justly proud as our State's contender for National Teacher of the Year; and for whom a copy of this resolution shall be provided.

Approved June 2, 1987

Time: 3:15 P.M.

Act No. 87-155 H.J.R. 205—Reps. Freeman, Hall, Hettinger, Brooks, Grayson and Butler

HOUSE JOINT RESOLUTION

HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

WHEREAS, in highest privilege and honor, the Legislature of Alabama welcomes James R. (J.R.) Thompson, Jr., director of the Marshall Space Flight Center in Huntsville, Alabama, since September 1986; and

WHEREAS, Mr. Thompson, who assumed that position following three years as deputy director for technical operations at Princeton University's Plasma Physics Lab, previously spent 20 years with NASA at the Marshall Space Flight Center in a number of positions, including director for engineering in the Science and Engineering Directorate and as manager of the Space Shuttle Main Engine Project in the Shuttle Project Office; and

WHEREAS, a native of Greenville, South Carolina, Mr. Thompson holds a bachelor of science degree in aeronautical engineering from the Georgia Institute of Technology, a master of science degree in mechanical engineering from the University of Florida and has completed the required course work at the University of Alabama toward a Ph.D. in fluid mechanics; he also served as a Lieutenant in the United States Navy from 1958 to 1960, whereupon he began his professional career as a development engineer with Pratt and Whitney Aircraft; and

WHEREAS, in recognition of notable contributions to our nation's space program, Mr. Thompson was awarded the NASA Medal for Exceptional Service in 1973 for his work on Skylab; the NASA Medal for Distinguished Service in 1981 for his work on the Space Shuttle main engine; and, in 1982, was conferred with the rank of Meritorious Senior Government Executive by President Reagan; and

WHEREAS, Mr. J. R. Thompson is indeed most eminently qualified to direct the Marshall Center in the continuance of its leading role in America's space program which has been firmly established through such accomplishments as the development of Saturn launch vehicles and lunar roving vehicles for the Appollo program; for Skylab, the first U. S. space station; and for the development of numerous experiments resulting in a wealth of scientific data essential to our conquests in space; and

WHEREAS, currently and in addition to responsibility for a wide variety of NASA projects, the Marshall Center has been given a substantial role in the development of Space Station, a permanently manned space facility proposed by President Reagan to be in orbit in 1996; and

WHEREAS, it is the consensus of this body that Mr. J. R. Thompson and the dedicated employees of Marshall Space Flight Center, in disciplined and determined expertise, are a permanent presence in space exploration and, having built a firm foundation, are prepared to accept the challenges of the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished contributions to America's space program, and in anticipation of a continuing vital role of Marshall Space Flight Center

under his leadership, we hereby commend Director James R. Thompson, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved June 2, 1987

Time: 3:15 P.M.

Act No. 87-156 H.J.R. 206—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING MOBILE COUNTY'S SEVEN HILLS VOLUNTEER FIRE DEPARTMENT.

WHEREAS, Mobile County's Seven Hills Volunteer Fire Department provides invaluable service to the community, and both the department, as well as individual members, have been prestigiously recognized by the Mobile County Fire and Rescue Association; and

WHEREAS, a representative of this outstanding volunteer force, for example, has been named Volunteer Fireman of the Year for the second consecutive year—Fire Chief Braxton Singley in 1986, and Richard LeGear who was selected Volunteer Fireman of the Year for 1987; and

WHEREAS, Mr. LeGear, a member of the Seven Hills department since its incorporation in 1981, received firefighting and damage control training while in the United States Navy and, since joining his local association, has completed 30 class hours in basic firemanship and 15 hours in controlled house fires courses conducted by the State Fire College; he also has received 24 hours of class instruction in wildfire suppression courses of the Alabama Forestry Department, as well as first aid training, and has risen in rank within the department to his present position as assistant chief; and

WHEREAS, Seven Hills volunteer, Terry Bacon, also received countywide recognition as Administrator of the Year; Mr. Bacon joined the department in 1985 as medical officer, and was elected that same year as one of five directors of the association, and later as chairman of the board; and

WHEREAS, Terry Bacon's experience, in addition to his 18 months on the board, includes five years as a paramedic and eight years as a medical and surgical registered nurse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding community service and achievement, we hereby most highly commend Mobile County's Seven Hills Volunteer Fire Department and direct that copies of this resolution be provided for association members Singley, LeGear and Bacon, and for appropriate display.

Approved June 2, 1987

Time: 3:15 P.M.

Act No. 87-157 H. 153—Rep. Marietta

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Section 34-17-2, specifically, and as provided in Sections 34-17-1 through 34-17-27, generally, of the Code of Alabama 1975, with one modification; to amend Section 34-17-25 so as to provide further for application fees for examination by the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Board of Examiners of Landscape Architects created and functioning pursuant to Section 34-17-2, specifically, and Sections 34-17-1 through 34-17-27, generally, Code of Alabama 1975, with an additional recommendation for statutory change of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Examiners of Landscape Architects, created pursuant to Section 34-17-2, specifically, and Sections 34-17-1 through 34-17-27, generally, of the Code of Alabama 1975 are hereby continued, and such Code sections are hereby expressly continued.

Section 3. Section 34-17-25, Code of Alabama 1975, is hereby amended to read as follows:

"§34-17-25.

"The fees prescribed by this chapter shall be in the following amounts:

"(1) The application fee for examination shall be in such amount as may be established by the board in order to cover all costs of examination, but in no event to exceed $250.00.

"(2) The fee for an original certificate is $35.00.

"(3) The fee for a temporary certificate is $100.00.

"(4) The fee for a duplicate certificate is $20.00.

"(5) The annual license fee is $50.00.

"(6) The penalty fee is $50.00, as provided in section 34-17-24 of this chapter."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-158 H. 156—Rep. Marietta

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Section 34-3-2 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Board of Bar Examiners created and functioning pursuant to Section 34-3-2, Code of Alabama 1975, which Code section is expressly continued.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-159 H. 157—Rep. Marietta

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board as provided in Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, of the Code of Alabama 1975; with one modification to amend Section 34-25-24, so as to increase out-of-state licensees' fees.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Polygraph Examiners Board, created and functioning pursuant to Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, Code of Alabama 1975, with one additional recommendation for statutory change of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Polygraph Examiners Board, created pursuant to Section 34-25-4, specifically, and Sections 34-25-1 through 34-25-36, generally, of the Code of Alabama 1975, are hereby continued, and such Code sections are hereby expressly continued.

Section 3. Section 34-25-24, Code of Alabama 1975, is hereby amended to read as follows:

"§34-25-24.

"An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license without examination by the board, in its discretion, upon payment of a fee of $150.00 and the production of satisfactory proof that:

"(1) He is at least 21 years of age;

"(2) He is a citizen of the United States;

"(3) He is of good moral character;

"(4) The requirements for the licensing of polygraph examiners in such particular state or territory of the United States were at the date of the applicant's licensing therein substantially equivalent to the requirements now in force in this state;

"(5) The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two years prior to the application for license hereunder;

"(6) Such other state or territory grants similar reciprocity to license holders of this state; and

"(7) He has complied with section 34-25-23."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-160 H. 158—Rep. Marietta

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Surface Mining Commission as provided in Section 9-16-33, specifically, and Sections 9-16-1 through 9-16-53, generally, of the Code of Alabama 1975; and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Surface Mining Commission created and functioning pursuant to Section 9-16-33, specifically, and Sections

9-16-1 through 9-16-53, generally, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-161 H.J.R. 235—Rep. Drake

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF MAY 31-JUNE 6, 1987, AS "ALABAMA POULTRY WEEK."

WHEREAS, the poultry industry is Alabama's largest farm industry, with gross farm receipts in excess of $880 million annually, or more than one third of the total agricultural income in Alabama; and

WHEREAS, this industry through its wholesome products and thousands of jobs it creates for the citizens of this state, adds much to the health, welfare and economic stability of Alabama; and

WHEREAS, Alabama ranks third in the nation in broiler production and ninth in the production of eggs; and

WHEREAS, Horace H. Horn, Jr., of Montgomery, Alabama, has served with dedication and distinction as chairman of the board of the Alabama Poultry & Egg Association, the cornerstone of this state's poultry industry; and

WHEREAS, it is proper to publicize to the general public the importance of this major Alabama industry; and

WHEREAS, more than 3,000 members and supporters of the Alabama Poultry & Egg Association will meet in Birmingham, June

5-6, 1987, to celebrate the 35th annual Alabama Poultry & Egg Convention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 31-June 6, 1987 is hereby designated as "Alabama Poultry Week," and we do further urge that the occasion be appropriately observed throughout the state.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-162 H.J.R. 237—Rep. Buskey (JL)

HOUSE JOINT RESOLUTION

RECOGNIZING THE HISTORIC OCCASION OF THE 135th ANNIVERSARY OF MONTGOMERY'S OLD SHIP A.M.E. ZION CHURCH.

WHEREAS, on Holcombe Street in Montgomery stands a House of God that is a landmark of extraordinary historic significance, going back in time to 1835 when it was the original home of the First United Methodist Church, and was located at the corner of Church and Lee Streets; and

WHEREAS, in 1852, however, the Methodists built a new church, giving the old frame structure to the Black members of their congregation, many of whom were the prominent Blacks of that day; and

WHEREAS, the Church was relocated to its present site by its Black congregation who literally rolled the building upon logs and onto a large platform that was then pulled through the city streets to its homesite for the past 135 years; and

WHEREAS, first referenced as the "old ship of Zion church" by its congregation, it was thus named, and the Old Ship A.M.E. Zion Church began its march into the future, and to prominence in Alabama's history; and

WHEREAS, since its establishment, the Old Ship A.M.E. Zion Church has been the heart of Black cultural and religious activities in Central Alabama and, from its pulpit, have preached such notables as Booker T. Washington, Martin Luther King, Jr., President William McKinley, Frederick Douglass and Senator Blanch K. Bruce; and

WHEREAS, it was also at Old Ship Church, more than 100 years ago, that public meetings were held to establish the Alabama

State Normal School; it is therefore the birthplace of Alabama State University, and it was in the Church Sanctuary that the school's first commencement was held; and

WHEREAS, Montgomery's Old Ship A.M.E. Zion Church has further served as a focal point from which numerous civil rights movements, through public and organizational meetings, have had their beginnings and the church, most recently, served as the set for the religious film, "Sister, Sister," featuring Diahann Carroll, Irene Cara, Rosalind Cash, and congregational members as extras; and

WHEREAS, the 135th Anniversary of Old Ship A.M.E. Zion Church is indeed an event to be joyfully celebrated, and an occasion calling for commendatory recognition of its paramount religious significance, as well as the church's historical prominence in Black cultural, political and community activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, with highest commendation, the 135th Anniversary of the Old Ship A.M.E. Zion Church, Montgomery, Alabama, and direct that, on behalf of the congregation, a copy of this resolution be presented to the Church's current and 31st pastor, The Reverend Curtis Walker.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-163 H. 283—Reps. Campbell, Willis and Crow

AN ACT

To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Alabama bank situated in Calhoun County, including any resulting bank as defined in Acts 1981, Act No. 81-504, §§3 and 4, regardless of the date of reorganization shall have power to establish, maintain and operate within the limits of the county one or more branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money or the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches first secures the written consent of the State Superintendent of Banks.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1987

Time: 3:30 P.M.

Act No. 87-164

H. 24—Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk and Newman

AN ACT

Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and amending the said Section 232 so as to delete the present provision in said Section 232 regarding suits against foreign corporations and providing that any foreign corporation, whether or not such foreign corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT
TO
ARTICLE XII, SECTION 232
CONSTITUTION OF ALABAMA

Section 232. No foreign corporation shall do business in this state without having at least one known place of business and an

authorized agent or agents therein, and without filing with the secretary of state a certified copy of its articles of incorporation or association. Any foreign corporation, whether or not such corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation. The legislature shall, by general law, provide for the payment to the state of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this state. Strictly benevolent, educational, or religious corporations shall not be required to pay such a tax.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House April 28, 1987 as amended

Passed the Senate May 14, 1987

Act No. 87-165 H.J.R. 215—Rep. Johnson (RG)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FAY S. PERRY OF TALLADEGA COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Fay S. Perry of Talladega County, Alabama, on February 5, 1987; and

WHEREAS, a prominent public school educator, Mrs. Perry had only recently retired from the Talladega County Board of Education following 43 years in dedicated service to her profession; and

WHEREAS, Mrs. Perry, who was a graduate of Hubbertville High School, began her career in 1944 as a teacher in rural Fayette County and while pursuing her college degree; she was a 1949 graduate of the University of Alabama and later received both the Master's degree in Education and AA Certification from the University of Montevallo; and

WHEREAS, at the time of her retirement, Mrs. Perry was serving the Talladega County central office administrative staff as Supervisor of Elementary Education, her position since 1972; she previously served as a classroom teacher with the Talladega County System from 1949 to 1970 and, for the next two years, as principal of Watwood School; and

WHEREAS, as an exemplar of her profession, Mrs. Perry was the recipient of such distinguished recognitions as the Outstanding Teacher and Outstanding Administrator Awards, and the Governor's Art Award among others; both the Fay S. Perry Library of Watwood School and the Fay S. Perry Gallery in the Talladega Teachers Center are named in her honor and her art project representing the Talladega County School system in the "Imagination Celebration" sponsored by the Kennedy Center remains on permanent display at the Center in Washington, D.C.; and

WHEREAS, Mrs. Perry was indeed an educator of professional dedication and integrity; her devotion to the schools and her consuming interest in the welfare of all students were paramount in her every thought and deed, and her death is a lamentable loss to the entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Fay S. Perry of Talladega County, Alabama, and extend deepest sympathy to her daughter, Mrs. Jan Stockman; mother, Mrs. Lucille Stewart; and to other family members whose great loss also is ours, and for whom a copy of this resolution shall be provided.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-166 H.J.R. 216—Rep. Johnson (RG)

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. HOMER BRAZIER ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, June 5, 1987, of Mr. and Mrs. Homer Brazier of Sylacauga, Alabama; and

WHEREAS, in the sight of God, Homer Brazier and his bride, the former Lona Robinson, were joined in wedlock by The Reverend James Robinson on June 5, 1937, at County Line Baptist Church, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Brazier, who are 71 and 70 years young, respectively, are the parents of one daughter, Mrs. Vera Barnett and the grandparents of four loving grandchildren; they also were the parents of a second child, now deceased; and

WHEREAS, in celebration of this Golden milestone in their journey through life together, Mr. and Mrs. Brazier are being honored at a gala reception on June 6, 1987, at Beverly Hall in Sylacauga; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Sylacauga, Alabama, Mr. and Mrs. Homer Brazier, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Brazier that they may know of our congratulations and warm best wishes for the future.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-167 H.J.R. 217—Rep. Blake

HOUSE JOINT RESOLUTION

CONGRATULATING THE PELL CITY HIGH SCHOOL "MARCHING BAND OF GOLD."

WHEREAS, it is with great personal pride that the Legislature of Alabama congratulates the Pell City High School "Marching Band

of Gold," recipient of the Spirit of Disney Award as the most outstanding participant in the 1987 Walt Disney World Magic Music Days Festival which was held in the "Magic Kingdom" the weekend of May 8, 1987; and

WHEREAS, this outstanding marching band, 161 members strong and under the talented leadership of Director Dennis Diffee, has indeed brought great honor to their school, the community and to the entire State of Alabama; and

WHEREAS, it is further to be noted in commendation and esteem that the "Marching Band of Gold" was rated as the top participant in competition with some 16 bands from across the country, thereby focusing a national spotlight on the extraordinary talent and ability of the youth of our state; and

WHEREAS, presenting the award to the "Marching Band of Gold" was none other than Mickey Mouse himself who traveled to Pell City to personally deliver the award which also includes an all-expense-paid trip to next year's competition in the prestigious festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Pell City High School "Marching Band of Gold," and do further direct that copies of this resolution be presented to Band Director Diffee on behalf of Assistant Director Ronnie White, Majorette Mary Milan, and the entire band, and that a copy also be provided for appropriate school display.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-168

H.J.R. 221—Reps. Turner, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston,

Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING RONALD E. WILKINSON OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, Ronald E. Wilkinson, a native of Citronelle, Alabama, and a 1968 graduate of Auburn University with the B.S. degree in aerospace engineering, has been employed with Teledyne Continental Motors of Mobile for the past 15 years, and is program manager and technical director of the corporation's liquid-cooled engines project; and

WHEREAS, Mr. Wilkinson, in his professional capacity with Teledyne, was the project engineer responsible for the design and development of the new liquid cooled engine concept that, in December 1986, made aviation history by powering the Voyager aircraft on its non-stop, non-refueled flight around the world; and

WHEREAS, in addition to holding the patent for this revolutionary concept, with Teledyne Continental Motors as the assignee, Mr. Wilkinson has been awarded a patent for the engine's exhaust system and has three additional design patents pending regarding their liquid-cooled concept; and

WHEREAS, Ron Wilkinson, in recognition of distinguished achievement, has been honored by Auburn University as Aeronautical Engineer of the Year and has been cited by SAE and AIAA, among other prestigious professional and technical organizations; he also is the recipient of a certificate of honor bestowed by the Town of Citronelle in recognition of his contributions to the development of the Voyager 200 engine, a milestone in aviation history; and

WHEREAS, Ronald E. Wilkinson is indeed a native son in whom we are justly proud and we humbly share the honor of his accomplishments with his hometown, our state and the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Ronald E. Wilkinson of Mobile, Alabama, for distinguished professional achievement, and direct that he receive a copy of this resolution of highest personal regard and esteem.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-169 H.J.R. 222—Rep. Moon

HOUSE JOINT RESOLUTION

COMMENDING GENE WADE FOR DISTINGUISHED SERVICE TO THE MARSHALL COUNTY ASSOCIATION OF VOLUNTEER FIREMEN AND TO THE COMMUNITY.

WHEREAS, it is with highest commendation and praise that the Legislature of Alabama notes the distinguished leadership role of Gene Wade of Nixon Chapel in the organization, establishment and operation of the Marshall County Association of Volunteer Firemen; and

WHEREAS, recognizing the crucial need for rural fire protection in his county and prompted by a desire to fill this void, Gene Wade, in 1980, was instrumental in all phases of planning and in building the framework for the establishment of said association; and

WHEREAS, through the total and dedicated efforts of Mr. Wade, the citizens in the rural communities of Marshall County now are served by competent and thoroughly trained volunteer firemen; plans also are under way currently to provide for permanent funding of these departments through locally approved taxes, and Gene Wade is actively involved in the pursuit of this goal; and

WHEREAS, Mr. Wade further was elected and served as president of the Marshall County Association, a position he resigned, however, due to the demands of a family misfortune requiring his time and assistance; and

WHEREAS, it is further to be noted that Gene Wade's continuing dedicated labors are not solely confined to his local department but, instead, transcend bounds to include countywide involvement and on the state level as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Gene Wade of Nixon Chapel, Alabama, for outstanding service to the Marshall County Association of Volunteer Firemen, and to all citizens of said county, and direct that he receive a copy of this resolution of sincere admiration and regard.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-170 H.J.R. 228—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING JEFF MASSEY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ATHLETIC AND ACADEMIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of commendation and highest esteem, notes the distinguished achievement of Jeff Massey of Birmingham, Alabama, one of our state's most outstanding young scholar-athletes; and

WHEREAS, Jeff Massey, a senior at Erwin High School and Alabama's first recipient of a wrestling scholarship to the University of Notre Dame, is the 1986-87 State Class 6A Heavyweight Wrestling Champion, a singular achievement that followed rankings of 3rd in State and 2nd in State his sophomore and junior years, respectively; and

WHEREAS, he also is the recipient of such outstanding wrestling honors as the 110% Award for 1985, Hardest Worker Award in 1986, and MVW in the Erwin Invitational; he further excels as a member of his schools' varsity football team, serving as captain of the 1986 team and accepting recognition as the Best Defensive Lineman (1986) and All-County Football (1986); and

WHEREAS, with a 3.85 overall GPA, Jeff Massey is a member of both the National Honor Society and the Math Team, and ranks 15th in his class of 238 students; and

WHEREAS, Jeff Massey has attained such extraordinary achievement through hard work, self-discipline and admirable perseverance, displaying diligence, not only in the ring and on the field, but in the work room and the classroom, thereby bringing great honor to himself, his supportive parents and to his school and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jeff Massey of Birmingham, Alabama, for outstanding achievement and for the example he sets for his classmates and students at Erwin High School.

BE IT FURTHER RESOLVED, That copies of the resolution be forwarded to Coach Ed Franks, Athletic Director Larry Farris and Principal Mike Burkett for presentation to Jeff Massey and his parents, and for appropriate school display.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-171 H.J.R. 229—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL, A SELECTION OF THE STATE DEPARTMENT OF EDUCATION AS ONE OF THE TOP NINE SCHOOLS IN ALABAMA.

WHEREAS, the Legislature of Alabama shares the pride of the students, faculty, administration, parents and community in the State Board of Education's selection of Hewitt-Trussville Junior High School as one of the top nine schools in Alabama; and

WHEREAS, this prestigious assessment of Hewitt Junior High was based on such criteria as test score improvement, attendance, teacher and student attitudes, school programs, parental involvement, management, school organization, administrative leadership and curriculum development; and

WHEREAS, thus, this special recognition has been achieved through total effort of the school community and through a special rapport between Hewitt School and a supportive citizenry; and

WHEREAS, at Hewitt-Trussville Junior High School, academic achievement is of course the primary goal but, toward this end, achievement is stressed both as a group and on an individual basis; and the development of each child to full potential is the focus that has resulted in excellence in all facets of the educational process at this outstanding Jefferson County school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express utmost pride and pleasure in the prestigious acknowledgment of excellence accorded Hewitt-Trussville Junior High School as one of the top schools in the State of Alabama, and do further express sincere best wishes for Hewitt School in forthcoming competition for national honors and recognition.

BE IT FURTHER RESOLVED, That copies of this commendatory resolution be forwarded to Principal Anna M. Vacca on behalf of the Hewitt Junior High School staff, faculty and student body, and for appropriate presentation and school display.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-172 H.J.R. 230—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING MOBILE SOUTHWEST STATE TECHNICAL COLLEGE'S COMPETITION WINNERS.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Mobile Southwest State Technical College winners in the Vocational and Industrial Clubs of America statewide competition; and

WHEREAS, competing in Birmingham, Alabama, on April 25, 1987, the Southwest State Technical College team, in its first participation in the state contest, came away with individual honors for five of its members; and

WHEREAS, first place winners were Theodore Dewey Chastang, air conditioning and refrigeration; Virginia Margaret Bush, graphic communications; and Jere Matthew Johnson, watch repair; and

WHEREAS, other outstanding honors included second place for Eric Templeton in residential electrical wiring and third place in major appliance repair for Marty Hall; and

WHEREAS, further to be noted with praise was the election to the office of state parliamentarian of Yolanda Richardson, who will attend the forthcoming national competition in Kansas, along with first place winners Chastang, Bush and Johnson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Theodore Dewey Chastang, Virginia Margaret Bush, Jere Matthew Johnson, Eric Templeton, Marty Hall and Yolanda Richardson of Southwest State Technical College, Mobile, Alabama, and direct that each of these outstanding students receive a copy of this resolution of highest praise and esteem.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-173 H.J.R. 233—Rep. Campbell

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 28, 1987, that we adjourn to meet again on Tuesday, June 2, 1987.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-174

H.J.R. 234—Reps. Mikell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton,

Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

RECOGNIZING THE SIGNIFICANT CONTRIBUTION OF THE ALABAMA STATE EMPLOYMENT SERVICE TO THE CITIZENS OF ALABAMA.

WHEREAS, the Alabama State Employment Service is over 50 years old, and was born in the Great Depression by congressional enactment of the Wagner-Peyser Act as a cooperative program between the federal and state governments to help find jobs for people and people for jobs, and is performing the same job today; and,

WHEREAS, today it has more skills and tools to meet the demands of Alabama's sophisticated workplace, and is Alabama's labor exchange, with sixty-five local and branch offices, located in communities all across the state that provide significant benefits for business, labor and the economy and, the members of the system are, as always, committed to quality service, and are, on this occasion, renewing their resolve of excellence to both employers and the jobless, doing what it can to reduce unemployment, and poised to rapidly fill job openings as they occur; and,

WHEREAS, the Alabama State Employment Service acts as a mediator to register, screen, test, counsel and refer applicants to jobs listed by employers, who receive dollar savings and potential increased productivity as a result; and,

WHEREAS, the Employment Service impacts the Alabama economy far more than its cost, and during the twelve months period ending March 31, 1987, the Alabama State Employment Service registered 352,596 applicants, made 288,398 job referrals and filled 90,760 jobs.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to continue to support the Federal/State partnership of State Employment Service agencies as the best means of financing and operating the State Employment Service.

BE IT FURTHER RESOLVED, That in recognition of the significant contribution of the Alabama State Employment Service to the Citizens of Alabama, we offer our complete support and continued best wishes and that copies of this resolution be sent to members of the Alabama Congressional Delegation.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-175 H. 154—Rep. Marietta

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Licensing Board for General Contractors as provided in Section 34-8-20, specifically, and in Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 with one modification; to amend Section 34-8-9 so as to issue building permits in the county area.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Licensing Board for General Contractors created and functioning pursuant to Section 34-8-20, specifically, and Sections 34-8-1 through 34-8-27, generally, Code of Alabama 1975, with an additional recommendation for a statutory change of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Licensing Board for General Contractors, created pursuant to Section 34-8-20, specifically, and Sections 34-8-1 through 34-8-27, generally, of the Code of Alabama 1975 are hereby continued, and such Code sections are hereby expressly continued.

Section 3. Section 34-8-9, Code of Alabama 1975, is hereby amended to read as follows:

"§34-8-9.

"Any person, firm or corporation, upon making application to the building inspector or such other authority of any incorporated city, town, village, or county, in Alabama charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, grading or any improvement or structure, where the cost thereof is to be $20,000.00 or more, shall, before he shall be entitled to the issuance of such permits, furnish satisfactory proof to such inspector or authority that he is duly licensed under the terms of this chapter; and it shall be unlawful for such building inspector or other authority to issue or allow the issuance of such building permit unless and until the applicant has furnished evidence that he is either exempt from the provisions of this chapter or is duly licensed under this chapter to carry out or superintend the work for which permit has been applied; and such building inspector, or other such authority, violating the terms of this section shall be guilty of a misdemeanor and subject to a fine of not more than $50.00."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1987

Time: 3:40 P.M.

Act No. 87-176 H. 435—Rep. Headley

AN ACT

Relating to Chilton County; levying an ad valorem tax in the county, not to exceed a certain millage rate pursuant to Constitutional Amendment 373, Constitution of 1901, as amended, and simultaneously rescinding certain existing ad valorem taxes enacted pursuant to Amendments 72 and 125 of the said Constitution, which are

designated for public health and indigent care, so as to redesignate certain portions of such revenues for law enforcement, county roads and bridges, as well as public health and disease prevention, and other county purposes; providing a referendum on said ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chilton County, in addition to any and all other taxes heretofore or hereafter levied, the Chilton County Commission is hereby authorized to levy an ad valorem tax, not to exceed 5 mills, on each dollar of taxable property effective upon ratification by the qualified electors, at a referendum called for the purpose, within ninety (90) days after passage of this act.

Section 2. The said county commission shall collect the said ad valorem taxes in the same manner and at the same period, as are all other existing ad valorem taxes, on a pro rata basis of the period the tax has been effective on October 1, 1987, and then each year thereafter.

Section 3. The said county commission shall deposit the said net tax revenues in the county general fund with one mill earmarked for law enforcement within the county, and one mill earmarked for the purposes of public health, indigent health care and disease prevention; the remaining net revenues generated by this act shall be earmarked for the construction, operation and maintenance of roads and bridges within the county. The rate of millage shall be set by the Chilton County Commission immediately upon the referendum approval of this act as provided by Section 4.

Section 4. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in Chilton County and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on local constitutional amendments, and shall be held as provided in Section 1. Notice of the election shall be given as in the other county elections under the general applicable laws of this state. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature, which authorizes the Chilton County Commission to impose an ad valorem tax in an amount not to exceed five mills on each dollar of taxable property, and to simultaneously rescind certain existing ad valorem taxes and to redesignate such taxes for law enforcement, public health and disease prevention, and other county purposes? Yes ( ) No ( )."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately, except

as otherwise herein provided. If a majority of the votes cast are in the negative, the act shall have no effect. The judge of probate for Chilton County shall certify the results of the election to the Secretary of State and to the state revenue department after the returns have been certified.

Section 5. The provisions of this act are passed pursuant to the provisions of Amendment No. 373 of the Constitution of the State of Alabama, 1901, which provides on and after October 1, 1979, any county, municipality or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit otherwise provided in this Constitution; provided, however, that the proposed increase to be made pursuant to this subsection shall have been: (1) proposed by the governing body of the taxing authority after a public hearing on such proposal; (2) thereafter approved by an act of the legislature; and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections.

Section 6. Immediately, upon the levy of the ad valorem tax authorized by Section 1 of this act, the county commission shall simultaneously rescind the current ad valorem millage tax rate designated for public hospitals and indigent health care imposed pursuant to Amendment 72 and Amendment 125 to the Constitution of 1901, as amended; otherwise no constitutional amendment, nor any laws or parts of laws relating to Chilton County and ad valorem taxes, or ad valorem taxes authorized by general law shall be construed to be rescinded or repealed in whole or in part.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved June 11, 1987

Time: 3:40 P.M.

Act No. 87-177 H.J.R. 200—Rep. Johnson (RG)

HOUSE JOINT RESOLUTION

COMMENDING COACH PHILLIP LANDERS AND THE FAYETTEVILLE HIGH SCHOOL WOLVES ON THEIR 1987 STATE 1A BASEBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, congratulates Coach Phillip Landers and Fayetteville High School on the 1987 State 1A Baseball Championship; and

WHEREAS, the Fayetteville Wolves, under Head Coach Landers and Assistant Coach Gary Graveman, posted a phenomenal 18-3 record to claim a berth in the 1A best-of-three Championship Series against the Maplesville Red Devils; the rest was history as the Wolves rallied from a first-game 3-0 loss to take the last two decisive victories 4-3 and 5-3 over the Maplesville Devils; and

WHEREAS, also to be noted are other impressive season statistics for Fayetteville including two no-hitters for Tim Ricks and one no-hitter each for Scott Shelnutt and Shawn Flenord; and

WHEREAS, the Fayetteville State Champions, in addition to Ricks, Shelnutt and Flenord, are Steve Huntley, Terry Huntley, Gregg Merrell, Chris White, Richard Davis, Brian Morris, Ernest Averitte, Ken Averitte, Jim Landers, Roy Wilson, Glenn Byrd, Daniel Flenord and Jason Kornegay, along with managers Kerry McGrady and Casey Roberson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Fayetteville High School Wolves as our State 1A Baseball Champions and direct that copies of this resolution be forwarded to Coach Landers for appropriate presentation and school display.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-178 H.J.R. 201—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING PATRICK DAVID AARON OF TRUSSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Patrick David Aaron, a 10th grade student at Erwin High School, has distinguished himself as an outstanding young wrestler who has won two State 6A Championships while only a sophomore in eligibility; and

WHEREAS, first in the Berry Invitational and the 112 pound State Champion as a freshman, Patrick David Aaron, in his sophomore year, has placed first in the Fultondale and Berry Invitationals,

was selected MVW in the Erwin Invitational and captured his second State 6A Championship in the 119 pound weight class; and

WHEREAS, as a result of hard work and admirable self-discipline, Patrick David Aaron has indeed achieved very early and outstanding success as evidenced by his defeat of four seniors to win the 1985-86 Title; and

WHEREAS, in addition to athletic prowess, however, he also possesses superior academic ability with a 3.23 overall GPA; he ranks among the top students in his class, was a member of the National Junior Honor Society and is a member and vice president of the Spanish Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as a scholar-athlete, we hereby commend Patrick David Aaron of Trussville, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to Coach Ed Franks of Erwin High School.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-179 H.J.R. 208—Rep. Ford

HOUSE JOINT RESOLUTION

COMMENDING ETOWAH HIGH SCHOOL, ATTALLA, ALABAMA, ON THE 1987 CLASS 5A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates Coach Larry Foster and the Etowah High School Blue Devils on their 1987 Class 5A State Baseball Championship; and

WHEREAS, under the leadership of Coach Foster and Assistant Coaches Bob Cartrett and Scott Malcolm, the Blue Devils claimed a berth in the Championship Series, won their State Title in Wetumpka on May 16, 1987, and finished the season with a phenomenal 25-6 record; and

WHEREAS, it is further to be noted that for Larry Foster, eight-year veteran coach at Etowah High, it was the second prestigious

state title in two years, following the Blue Devils 5A Championship in 1985; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Attalla's Etowah High School on the 1987 Class 5A State Baseball Championship and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-180 H.J.R. 209—Rep. Campbell

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 21, 1987, that we adjourn to meet again on Tuesday, May 26, 1987.

Approved June 11, 1987

Time: 11:35 A.M.

Act No. 87-181 H. 25—Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey,

Knight, Turner, Mikell,
Penry, Coburn, Reed,
Freeman, Walker, Holley,
Haynes, Gray, Ford,
Petelos, Logan, Slaughter,
Faulk and Newman

AN ACT

To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a change or transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. Change or Transfer of Venue.

(a) With respect to civil actions filed in an appropriate venue, any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer any civil action or any claim in any civil action to any court of general jurisdiction in which the action might have been properly filed and the case shall proceed as though originally filed therein. Provided, however, this act shall not apply to cases subject to Section 30-3-5 of the Code of Alabama 1975.

(b) The right of a party to move for a change or transfer of venue pursuant to this statute is cumulative and in addition to the rights of a party to move for a change or transfer of venue pursuant to Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule.

Section 2. All other laws, or parts of laws, which are in any manner inconsistent with this Act are repealed to the extent that they are inconsistent with this Act.

Section 3. If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 4. This Act shall not apply to any civil action pending on the effective date of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-182 H. 26—Reps. McMillan, Clark (J), Carothers, Higginbotham, Flowers, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk, Box and Newman

AN ACT

To amend Code of Alabama 1975, as amended, §6-5-430, relating to the enforcement of claims originating outside this state to include claims under the common law and statutes of the United States; to provide for the application of the doctrine forum non conveniens; and to provide for dismissal of any such action where a more appropriate forum exists outside this state; and to provide for the conditioning of such dismissal on certain consents by the defendant.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Code of Alabama 1975, as amended, §6-5-430, to read, as follows:

"Whenever, either by common law or the statutes of another state or of the United States, a claim, either upon contract or in tort has arisen outside this state against any person or corporation, such claim may be enforceable in the courts of this state in any county in which jurisdiction of the defendant can be legally obtained

in the same manner in which jurisdiction could have been obtained if the claim had arisen in this state; provided, however, the courts of this state shall apply the doctrine of forum non conveniens in determining whether to accept or decline to take jurisdiction of an action based upon such claim originating outside this state; and provided further that, if upon motion of any defendant it is shown that there exists a more appropriate forum outside this state, taking into account the location where the acts giving rise to the action occurred, the convenience of the parties and witnesses, and the interests of justice, the court must dismiss the action without prejudice. Such dismissal may be conditioned upon the defendant or defendants filing with the court a consent (i) to submit to jurisdiction in the identified forum, or (ii) to waive any defense based upon a statute of limitations if an action on the same cause of action is commenced in the identified forum within 60 days of the dismissal.

Section 2. All laws or parts of law which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-183 H. 81—Rep. Freeman

AN ACT

Relating to all civil actions based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to §6-5-391 and §6-5-410, Code of Alabama 1975; to provide that in all such actions the fact finder shall itemize its damage award as past damages, future damages, and punitive damages, and that such future damages other than attorney fees, should not be reduced to present value; to define past damages and future damages; to provide that where a damage award includes recovery for future damages, judgment shall be entered against the defendant for all past damages and punitive damages assessed against that defendant, but that, the judgment for all future damages in excess of $150,000 except attorney fees shall be structured, so long as the court receives adequate assurance that the defendant can and will make all required payments; to provide that any structured damages should not be reduced to present value nor should interest be charged on the structure; to provide that where a judgment creditor dies before the final payment of a structured judgment, the remaining payments shall be made to the estate of the decedent or as otherwise directed by the court having jurisdiction over the estate; to provide for interest on late payments of structured judgments; to provide for termination of a structure upon motion; to provide that no certificate of judgment shall issue or be recorded with respect to an award of future damages which is structured; to provide that a court may conduct hearings and receive such evidence as is deemed necessary

in order to make the determinations required by this act; to provide that nothing in this act alters or affects the nature, elements, form, or amount of damages recoverable in any action; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. In any civil action based upon tort and any action for personal injury based upon breach of warranty, except actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, the damages assessed by the fact finder shall be itemized as follows:

1. Past damages
2. Future damages
3. Punitive damages

The fact finder shall not reduce any future damages to present value. Where the court determines that any one or more of the above categories is not recoverable in the action, those categories shall be omitted from the itemization.

Section 2. For purposes of this act, the following definitions shall apply:

(a) PAST DAMAGES—damages and losses suffered or incurred prior to the date of judgment

(b) FUTURE DAMAGES—damages and losses reasonably anticipated to be suffered or incurred followiong the date of judgment.

As used herein, the terms "PLAINTIFF" and "DEFENDANT" shall include the singular and the plural.

Section 3. Where the damages assessed against a defendant by the trier of fact include an award of future damages, the trial court shall comply with the following in rendering its judgment in the case:

(a) Judgment shall be entered against the defendant for all past damages and punitive damages assessed against the defendant by the trier of fact.

(b) If the award of future damages assessed by the trier of fact is $150,000 or less, the trial court shall enter judgment against the defendants for the amount of such future damages.

(c) If the award of future damages assessed by the trier of fact is greater than $150,000, the trial court shall enter judgment as follows:

(i) Judgment shall be entered against the defendant for $150,000 of such future damage.

(ii) If, as part of the plaintiff's contract with his attorney, the plaintiff is obligated to pay his attorney a fee based on that portion of the award of future damages which exceeds $150,000, the court shall determine what portion of the award of future damages in excess of $150,000 is owed to the attorney under the contract and shall enter judgment for the remainder of the award of future damages in excess of $150,000 as provided in (iii), below. As to that portion of the award of future damages in excess of $150,000 which is owed to the plaintiff's attorney, that portion shall be reduced to present value by the court and judgment shall be entered against the defendant for the reduced amount.

(iii) (1) For that portion of a future damage award in excess of $150,000 and in excess of the attorney's fee subject to (ii), above, judgment shall be entered requiring the defendant to pay that portion of such future damages by periodic payments over a period of years not to exceed such period of years as, according to the evidence offered during the trial of the case, such future damages may be incurred. In entering a judgment against the defendants ordering the payment of future damages by periodic payment, the trial court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages as the same may be incurred, as determined from the evidence offered during the trial of the case. If, or to the extent that, the evidence offered at trial did not indicate the approximate time or time frame or both within which the future damages would be incurred, the trial court, for the purpose of determining the amount of periodic payments and the interval between such payments, shall conclusively presume that such damages will be incurred throughout the life expectancy of the judgment creditor on an equal periodic basis. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or period of time over which payments shall be made. The total amount of all periodic payments when added to the sum of $150,000 and when added to that portion of the future damages award, not reduced to present value, which was used to calculate the attorney's fee in paragraph (ii), above, shall not exceed the total amount of future damages contained in the verdict of the trier of fact.

(2) As a condition to authorizing periodic payments for future damages, the court must receive adequate assurance that the defendant can and will make all required payments. Such assurance may include the requirement that the defendant either have sufficient financial ability to make all required payments, post adequate bond or other security, give evidence that there exists an insurance company, registered in this state, which is obligated to pay the judgment,

or purchase an annuity of sufficient value to pay the future damages as structured, or any accelerated payments of those damages which might be required by this act. Nothing contained herein shall be construed as limiting the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict, or order a remittitur of damages. The provisions of this section shall also apply to any judgment following remittitur.

(3) An award of future damages shall not be reduced to present value by the court, except as required in (ii), above, and no interest is to be charged on said damages. Evidence of the present value of future damages is inadmissible in cases covered by this act, except at a hearing authorized by Section 5, herein. If, however, the court determines that damages which should be structured pursuant to (iii), above, cannot be structured due to the failure of the defendant to provide the financial assurances required in (iii) (2), above, that portion of the future damage award shall be reduced to present value by the court prior to entry of judgment.

Section 4. Where a judgment is structured pursuant to Section 3, above, the following shall apply:

(a) Should the judgment creditor die before the final installment is paid, the remaining payments shall be made to the estate of the decedent, or as otherwise directed by the court having jurisdiction over the estate.

(b) Where an installment payment is more than 15 days late, there shall be added to the amount due for that installment interest from the date payment was due at the rate of 20 percent per annum, compounded daily, and attorney's fee if necessary to collect the amount due.

(c) Upon motion of the judgment creditor, or his estate in the event of his death, the structure may be terminated and all unpaid installments declared immediately due if the court finds that the judgment debtor has exhibited a continuing pattern of failing to pay installments when due or that there is a reasonable likelihood that future payments may not be timely made. In all such cases, the court may further assess the debtor with costs and the creditor's attorney's fees relating to all proceedings conducted pursuant to this paragraph.

(d) No certificate of judgment shall issue or be recorded against any defendant for that portion of an award of future damages which is structured.

Section 5. The court may conduct hearings and receive such evidence as is deemed necessary in order to make the determinations required in Section 3 and Section 4, above.

Section 6. Nothing in this act shall be construed to alter or affect the nature, elements, form, or amount of damages recoverable in any action.

Section 7. If any section, clause, provision, or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect any other section, clause, or provision of this act which is not in or of itself invalid or unconstitutional.

Section 8. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 9. All laws or parts of laws which conflict with any provision of this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-184

H. 29—Reps. Hooper, Higginbotham, Clark (J), Johnson (RG), Flowers, Carothers, McMillan, Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, White (L), Layson, Turnham, Harper, Wright, Fuller, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Mikell, Penry, Coburn, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk and Newman

AN ACT

To provide that in all civil actions in the courts of the State of Alabama, that substantial evidence shall be the minimum standard of proof to determine whether

an issue of fact shall be submitted to the trier of the fact; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to define substantial evidence as used herein; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. In all civil actions brought in any court of the State of Alabama, proof by substantial evidence shall be required to submit an issue of fact to the trier of the facts. Proof by substantial evidence shall be required for purposes of testing the sufficiency of the evidence to support an issue of fact in rulings by the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings respecting the sufficiency of evidence.

Section 2. The scintilla rule of evidence is hereby abolished in all civil actions in the courts of the State of Alabama.

Section 3. With respect to any issue of fact for which a higher standard of proof is required, whether by statute, or by rule or decision of the courts of the State, substantial evidence shall not be sufficient to carry the burden of proof, and such higher standard of proof shall be required with respect to such issue of fact.

Section 4. SUBSTANTIAL EVIDENCE shall mean evidence of such quality and weight that reasonable and fair-minded persons in the exercise of impartial judgment might reach different conclusions as to the existence of the fact sought to be proven. A scintilla of evidence is insufficient to permit submission of an issue of fact to the trier of facts.

Section 5. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 6. This Act shall not apply to any civil action pending in the courts of this State on the effective date of this Act.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-185

H. 27—Reps. Higginbotham, Clark (J), Carothers, Flowers, McMillan, Carter, Johnson (RG), Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Knight, Turner, Penry, Reed, Freeman, Walker, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk and Newman

AN ACT

Relating to punitive damages in civil actions; to prohibit the award of punitive damages except in certain tort actions; to provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, liability for punitive damages must be proved by clear and convincing evidence; to provide that this act does not create a cause of action for or right to recover punitive damages; to provide for definitions of certain terms used in this act; to provide that the amount of such punitive damages shall not exceed $250,000.00, unless it is based on a pattern or practice of intentional wrongful conduct or conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice or an action for libel, slander or defamation; to provide that an award of punitive damages shall not be entitled to a presumption of correctness and in all cases wherein a verdict for punitive damages is rendered, the court shall, on the motion of a party, conduct an evidentiary hearing and independently reassess the nature, extent and economic impact of such award and reduce or increase the award if appropriate; to provide that on appeal there shall be no presumption of correctness in regard to an award of punitive damages; to provide that this act does not limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to order a new trial; to provide that punitive damages may not be awarded against the state of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et seq., Code of Alabama 1975, or any acts amendatory thereto; to provide that a principal shall not be liable for punitive damages for intentional wrongful conduct or conduct involving actual malice based on the acts or omissions of an agent unless the principal knew or should have known of the unfitness of the agent and employed him or continued to employ him, or used his services without proper instruction with disregard of the rights and safety of others, or the principal authorized or ratified the wrongful conduct of the agent; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit wrongful conduct with full knowledge of the import of his act; to provide that argument or mention, in the presence of the jury, of the classifications or limitations established

in this act is not permissible and shall be ground for a mistrial; to provide that this act shall not apply to actions for wrongful death pursuant to Section 6-5-391 and Section 6-5-410, Code of Alabama 1975; to provide for certain exceptions; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Punitive damages may not be awarded in any civil action, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, other than in a tort action where it is proven by clear and convincing evidence that the defendant consciously or deliberately engaged in oppression, fraud, wantonness, or malice with regard to the plaintiff. Nothing contained in this act is to be construed as creating any claim for punitive damages which is not now present under the law of the State of Alabama.

(b) As used in this act, the following definitions shall apply:

(1) "Fraud" shall mean an intentional misrepresentation, deceit, or concealment of a material fact the concealing party had a duty to disclose, which was gross, oppressive or malicious and committed with the intention on the part of the defendant of thereby depriving a person or entity of property or legal rights or otherwise causing injury.

(2) "Malice" is defined as the intentional doing of a wrongful act without just cause or excuse, either:

a. With an intent to injure the person or property of another person or entity, or

b. Under such circumstances that the law will imply an evil intent.

(3) "Wantonness" shall mean conduct which is carried on with a reckless or conscious disregard of the rights or safety of others.

(4) "Clear and convincing evidence" shall mean evidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim and a high probability as to the correctness of the conclusion. Proof by clear and convincing evidence requires a level of proof greater than a preponderance of the evidence or the substantial weight of the evidence, but less than beyond a reasonable doubt.

(5) "Oppression" shall mean subjecting a person to cruel and unjust hardship in conscious disregard of that person's rights.

Section 2. An award of punitive damages shall not exceed $250,000.00, unless it is based upon one or more of the following:

(a) A pattern or practice of intentional wrongful conduct, even though the damage or injury was inflicted only on the plaintiff; or,

(b) Conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice; or,

(c) Libel, slander or defamation.

Section 3. Argument or mention, in the presence of the jury, of the classifications or limitations established in Section 2 above is not permissible and shall be ground for a mistrial.

Section 4. (a) No presumption of correctness shall apply as to the amount of punitive damages awarded by the trier of the fact.

(b) In all cases wherein a verdict for punitive damages is awarded, the trial court shall, upon motion of any party, either conduct hearings or receive additional evidence, or both, concerning the amount of punitive damages. Any relevant evidence, including but not limited to the economic impact of the verdict on the defendant or the plaintiff, the amount of compensatory damages awarded, whether or not the defendant has been guilty of the same or similar acts in the past, the nature and the extent of any effort the defendant made to remedy the wrong and the opportunity or lack of opportunity the plaintiff gave the defendant to remedy the wrong complained of shall be admissible; however, such information shall not be subject to discovery, unless otherwise discoverable, until after a verdict for punitive damages has been rendered. After such post verdict hearing the trial court shall independently (without any presumption that the award of punitive damages is correct) reassess the nature, extent and economic impact of such an award of punitive damages, and reduce or increase the award if appropriate in light of all the evidence.

Section 5. (a) On appeal, no presumption of correctness shall apply to the amount of punitive damages awarded.

(b) The appellate court shall independently reassess the nature, extent and economic impact of such an award and reduce or increase the award if appropriate in light of all the evidence.

Section 6. Nothing in this act is intended to limit the ability of a trial or appellate court to set aside or reverse an award of punitive damages, or to order a new trial.

Section 7. Punitive damages may not be awarded against the State of Alabama or any county or municipality thereof, or any agency thereof, except any entity covered under the Medical Liability Act now codified as Section 6-5-480 et. seq., Code of Alabama 1975, or any acts amendatory thereto.

Section 8. (a) A principal, employer or other master shall not be liable for punitive damages for intentional wrongful conduct or conduct involving malice based upon acts or omissions of an agent, employee or servant of said principal, employer or master unless the principal, employer or master either: (i) knew or should have known of the unfitness of the agent, employee or servant, and employed him or continued to employ him, or used his services without proper instruction with a disregard of the rights or safety of others; or (ii) authorized the wrongful conduct; or (iii) ratified the wrongful conduct; or unless the acts of the agent, servant or employee were calculated to or did benefit the principal, employer or other master, except where the plaintiff knowingly participated with the agent, servant or employee to commit fraud or wrongful conduct with full knowledge of the import of his act.

(b) Nothing contained in this Section 8 shall be construed to prevent recovery of punitive damages against a retail vendor of alcoholic beverages arising out of the acts of its agents, servants or employees acting within the line and scope of their employment.

Section 9. Nothing contained in this act shall be construed to grant or create a cause of action or right to recover punitive damages.

Section 10. This act shall not pertain to or affect any civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, as amended.

Section 11. If any section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself invalid or unconstitutional.

Section 12. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-186 H. 30—Reps. Higginbotham, Clark (J), Carothers, Flowers, McMillan,

Carter, Johnson (RG), Biddle, Zoghby, Grouby, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Fuller, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Bugg, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Reed, Freeman, Walker, Holley, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk and Newman

AN ACT

To provide that the courts of record shall assess reasonable attorneys' fees and costs, in an amount to be determined in the court's discretion, against any party or attorney who brings an action or asserts a claim or defense or unnecessarily expands the proceedings by improper conduct or initiates an appeal which is without substantial justification; to provide a procedure for determining costs and reasonable attorneys' fees and stating factors to be considered by the court in assessing such costs and attorneys' fees; to provide that this Act shall apply to suits, claims, defenses or appeals filed after its effective date and also to suits, claims, defenses or appeals filed prior to its effective date and which are not dismissed within 180 days after its effective date; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act may be cited as the Alabama Litigation Accountability Act.

Section 2. The following words and phrases as used in this Act, have the meaning ascribed to them in this section, unless the context clearly requires otherwise:

(1) WITHOUT SUBSTANTIAL JUSTIFICATION. The phrase "without substantial justification", when used with reference to any action, claim, defense or appeal, including without limitation any motion, means that such action, claim, defense or appeal (including any motion) is frivolous, groundless in fact or in law, or vexatious, or interposed for any improper purpose, including without limitation, to cause unnecessary delay or needless increase in the cost of litigation, as determined by the Court.

(2) PERSON. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity or unincorporated association of persons.

(3) ACTION. Any suit, counterclaim, crossclaim or third party claim filed at law or in equity, including any claim therein asserted by one or more parties or against one or more parties in a multi-party action or suit, or an appeal thereof.

(4) DEFENSE. Any affirmative defense under Rule 8 (C), Alabama Rules of Civil Procedure, filed in any action at law or in equity.

Section 3. (A) Except as otherwise provided in this Act, in any civil action commenced or appealed in any court of record in this state, the court shall award, as part of its judgment and in addition to any other costs otherwise assessed, reasonable attorneys' fees and costs against any attorney or party, or both, who has brought a civil action, or asserted a claim therein, or interposed a defense, that a court determines to be without substantial justification, either in whole or part;

(B) When a court determines reasonable attorneys' fees or costs should be assessed it shall assess the payment thereof against the offending attorneys or parties, or both, and in its discretion may allocate among them, as it determines most just, and may assess the full amount or any portion thereof to any offending attorney or party;

(C) The court shall assess attorneys' fees and costs against any party or attorney if the court, upon the motion of any party or on its own motion, finds that an attorney or party brought an action or any part thereof, or asserted any claim or defense therein, that is without substantial justification, or that the action or any part thereof, or any claim or defense therein, was interposed for delay or harassment, or if it finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct including but not limited to abuses of discovery procedures available under the Alabama rules of civil procedures;

(D) No attorneys' fees or costs shall be assessed if a voluntary dismissal is filed as to any action, claim or defense within 90 days after filing, or during any reasonable extension granted by the court, for good cause shown, on motion filed prior to the expiration of said 90 day period;

(E) No party, except an attorney licensed to practice law in this state, who is appearing without an attorney shall be assessed attorneys' fees unless the court finds that the party clearly knew or reasonably should have known that his action, claim or defense or any part thereof was without substantial justification.

Section 4. In determining the amount of an award of costs or attorneys' fees, the court shall exercise its sound discretion. When granting an award of costs and attorneys' fees, the court shall specifically set forth the reasons for such award and shall consider the following factors, among others, in determining whether to assess attorneys' fees and costs and the amount to be assessed: (a) the extent to which any effort was made to determine the validity of any action, claim or defense before it was asserted; (b) the extent of any effort made after the commencement of an action to reduce the number of claims being asserted or to dismiss claims that have been found not to be valid; (c) the availability of facts to assist in determining the validity of an action, claim or defense; (d) the relative financial position of the parties involved: (e) whether or not the action was prosecuted or defended, in whole or in part, in bad faith or for improper purpose; (f) whether or not issues of fact, determinative of the validity of a parties' claim or defense, were reasonably in conflict; (g) the extent to which the party prevailed with respect to the amount of and number of claims or defenses in controversy; (h) the extent to which any action, claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in the state, which purpose was made known to the court at the time of filing; (i) the amount or conditions of any offer of judgment or settlement in relation to the amount or conditions of the ultimate relief granted by the court; (j) the extent to which a reasonable effort was made to determine prior to the time of filing of an action or claim that all parties sued or joined were proper parties owing a legally defined duty to any party or parties asserting the claim or action; (k) the extent of any effort made after the commencement of an action to reduce the number of parties in the action; and (1) the period of time available to the attorney for the party asserting any defense before such defense was interposed.

Section 5. Nothing in this Act shall be construed to prevent an attorney and his client from negotiating in private the actual fee which the client is to pay his attorney. Nothing in this Act is intended to limit the authority of the court to approve written stipulations filed with the court or oral stipulations in open court agreeing to no award of attorneys' fees or costs or an award of attorneys' fees or costs in a manner different than that provided in this Act.

Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

Section 7. This Act shall apply to any suit or claim or defense or appeal filed subsequent to the effective date of this Act. It shall

also apply to any suit or claim or defense or appeal which has been filed prior to the effective date of this Act and which is not dismissed within 180 days of the effective date of this Act.

Section 8. The provisions of this Act are cumulative and in addition to the damages which may be awarded for a frivolous appeal pursuant to Rule 38, ARAP.

Section 9. Any law or part of law or court decision in conflict with or inconsistent with this Act is hereby repealed insofar as such law or court decision conflicts with or is inconsistent with this Act.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-187

H. 28—Reps. Flowers, Clark (J), Carothers, Higginbotham, McMillan, Johnson (RG), Carter, Biddle, Zoghby, Grouby, Richardson, Laird, Blakeney, Beasley, Hooper, White (L), Layson, Turnham, Harper, Wright, Hall, Starkey, Hettinger, Adams, White (F), Beers, Burke, Butler, Willis, Hammett, Seibels, Breedlove, White (G), Curry, McKee, Headley, Gaston, Moon, Venable, Harvey, Kvalheim, Lindsey, Knight, Turner, Mikell, Penry, Coburn, Reed, Freeman, Walker, Haynes, Gray, Ford, Petelos, Logan, Slaughter, Faulk and Newman

AN ACT

Relating to the admissibility of certain evidence in civil actions for personal injury or death; to provide that in all civil actions for personal injury or death, where damages for any medical or hospital expenses are claimed and are legally recoverable, evidence relating to reimbursement or payment of plaintiff's medical or hospital expenses allegedly incurred as a result of the acts or omissions complained of as well as the cost to the plaintiff of obtaining reimbursement or payment of medical or hospital expenses shall be admissible; to provide that evidence of such reimbursement or payment and the cost of obtaining such reimbursement or payment shall be

discoverable; to provide that the evidence of the plaintiff's obligation to repay the medical or hospital expenses shall be admissible where the plaintiff is obligated to repay the reimburser; to provide that the provisions of the Act are severable; to provide for repeal of laws in conflict with this Act; to provide that this Act shall not apply to any civil action pending on its effective date; and, to provide for an effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In all civil actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses have been or will be paid or reimbursed shall be admissible as competent evidence. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses.

Section 2. In such civil actions, information respecting such reimbursement or payment obtained or such reimbursement or payment which may be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

Section 3. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, evidence relating to such reimbursement or payment shall be admissible.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall not apply to any civil action pending on the effective date of this act.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-188 H. 82—Rep. Freeman

AN ACT

Relating to the statutory award of 10% damages upon affirmance of certain judgments; to eliminate the 10 percent damages awarded upon the affirmance of certain

judgments by amending Sections 12-22-72 and 12-22-73, Code of Alabama 1975; to further amend Section 12-22-73, Code of Alabama 1975 so as to provide that when an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the judgment is affirmed on appeal, the appellate court must also enter judgment against the obligors in the amount of the costs of the appellate court; to provide that this act shall apply to causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 12-22-72 is hereby amended to read as follows:

When a judgment or decree is entered or rendered for money, whether debt or damages, and the same has been stayed on appeal by the execution of bond, with surety, if the appellate court affirms the judgment of the court below, it must also enter judgment against all or any of the obligors on the bond for the amount of the affirmed judgment, and the costs of the appellate court; and, upon the appeal of any judgment or decree entered or rendered for any amount of commissions, fees or compensation fixed or determined by the trial court and taxed or allowed as costs, if the appellate court affirms the judgment or decree of the court below and the payment thereof has been stayed on such appeal, judgment shall be entered by the appellate court against all or any of the obligors on the bond for the amount affirmed, and the costs of the appellate court; provided, however, that if no supersedeas bond has been executed on such appeal, the appellate court, in the event of affirmance, shall increase the amount so allowed as costs by the court below in the judgment or decree appealed from by adding thereto the costs of the appellate court.

Section 2. Code of Alabama 1975, Section 12-22-73 is hereby amended to read as follows:

When an appeal is taken on a trial of the right of property and the judgment is stayed by the execution of a supersedeas bond, if the appellate court affirms the judgment of the court below, it must also enter judgment against the obligors in said bond for the amount of the costs of the appellate court.

Section 3. This law shall apply to all causes of action not yet filed, any lawsuit upon which any judgment has not been rendered and/or all judgments which have not been affirmed by an appropriate appellate court and had a 10% penalty assessed as so provided by Code of Alabama 1975, Section 12-22-72 and/or Section 12-22-73.

Section 4. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional. Moreover, if the application of this Act, or of any portion hereof, to any person or circumstance is held invalid, the invalidity shall not affect the application of the Act to other persons or circumstances which can be given effect without the invalid provision or application.

Section 5. Any law or court decision in conflict with or inconsistent with this Act is hereby repealed in so far as such law or court decision conflicts with or is inconsistent with this Act.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 11, 1987

Time: 3:20 P.M.

Act No. 87-189 H. 432—Rep. Carothers

AN ACT

Relating to "The Alabama Medical Liability Act of 1987" to state the legislative intent; to define the terms health care provider, standard of care, future damages, periodic payment and substantial evidence; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the trier of the fact shall itemize damages as past damages, future damages, and punitive damages, and to provide that the trier of the fact shall not reduce any future damages to present value, and to provide that if the trial court determines that one or more of the specified damages is not recoverable in any action that category of damages shall be omitted from the itemization, and to provide that if the award of future damages assessed by the trier of the fact is greater than one hundred fifty thousand dollars ($150,000.00) the trial court shall enter judgment against the defendants for one hundred fifty thousand dollars ($150,000.00) of such future damages and enter judgment requiring the defendants to pay the balance of such future damages by periodic payments over a period of years in accordance with the evidence, and to require the judgment to specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made, and to require that the total amount of all such periodic payments shall not exceed the total amount of the future damages contained in the verdict, and to require that the defendants either post security sufficient to assure full payment of such damages or provide evidence the defendants have insurance, or to purchase an annuity of sufficient value to pay the future damages, and to require that future damages shall not be reduced to present value and no interest is to be charged on said damages, and to provide for the payment of plaintiff's attorney fees from a portion of the award of future damages if required, and to provide that if the judgment creditor dies

before the termination of the period of years for which such payments are to be made the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to a spouse or children, or both, to whom the judgment creditor owed a duty of support immediately before his death, which duty of support shall be deemed to cease upon the death or remarriage of a spouse or the death or attainment of age twenty-two (22) years by a child, provided, however, that upon the death of a spouse leaving children to whom the judgment creditor owed a duty of support, payments due the spouse shall be paid to the children until they attain the age of twenty-two (22) years, and to provide that if the judgment debtor has exhibited a continuing pattern of failure to make payments as specified in the judgment the court shall find the judgment debtor in contempt of court and in addition to the required periodic payment shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, and to provide that for any installment payment which is more than twenty (20) days late there shall be added interest from the date payment was due at a rate of twenty percent (20%) per annum compounded daily and attorney's fees if necessary to collect the amount due, and to provide that the court may modify the judgment to award and apportion the unpaid future damages, and to provide that following the occurrence or expiration of all obligations specified in the periodic payment judgment the obligation of the judgment debtor shall cease and any security given shall revert to the judgment debtor, and to provide that in the event periodic payments are ordered the court shall order the judgment marked satisfied when the judgment debtor satisfies the court that he is adequately insured, or posts bond, or purchases an annuity; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages, including punitive damages, shall not exceed the sum of four hundred thousand dollars ($400,000.00), and to provide that plaintiff shall not seek recovery of any greater amount for non-economic loss and to provide that neither the court nor any party shall advise or infer to the jury that it may not return an award of any greater amount for non-economic loss and to provide for the declaration of a mistrial if a jury is so advised and to provide for the reduction by the trial court of any verdict including an award for non-economic losses greater than that permitted herein; and to provide that in any action for injury or death whether in contract or in tort against a health care provider based on a breach of the standard of care where medical or hospital expenses are claimed evidence that the plaintiff's medical or hospital expenses have been paid or will be reimbursed is admissible as competent evidence, and to provide that upon admission of evidence respecting reimbursement of said expenses, the plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such expenses and to provide for pre-trial discovery respecting such benefits; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the action must be brought in the county where the act or omission actually occurred or, if the acts or omissions took place in more than one county, wherein the plaintiff or plaintiff's decedent resided at the time of the act or omission and to provide for transfer of the action to the county wherein the alleged act or omission actually occurred if it can be shown prior to the trial that the alleged act or omission did not occur in the county where the action is then pending and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care commenced pursuant to §6-5-391 or §6-5-410, Code of Alabama 1975, the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00) and to provide that neither the court nor any party shall advise or infer to the jury that it may not return

an award of any greater amount and to provide for the declaration of a mistrial if the jury is so advised and to provide for the reduction by the trial court of any verdict which exceeds one million dollars ($1,000,000.00) and to provide for adjustment of the one million dollars ($1,000,000.00) every twelve (12) months to reflect any increase or decrease in the consumer price index; to provide that in any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical specialty or not holding himself out as a specialist a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be trained and experienced in the same discipline or school of practice; and has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical specialty or holding himself out as a specialist, a "similarly situated health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same specialty, and have practiced in the specialty during the year preceding the date of the alleged breach of the standard of care; to provide that evidence may not be received or admitted concerning the medical liability insurance of the defendant or of a witness testifying as a "similarly situated health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similarly situated health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof of substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that all complaints and amendments to complaints filed against a health care provider shall include a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff and plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other action or omission; to provide that this Act shall apply to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law; and to provide for severability, repeal of conflicting laws and the effective date of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Statement of Legislative Intent. It is hereby declared by the Legislature of the State of Alabama that a crisis threatens the delivery of medical services to the people of Alabama and the health and safety of the citizens of this state are in jeopardy. In accordance with the previous declaration of the Legislature contained in Act 513 of the regular session of the 1975 Alabama Legislature it is the declared intent of this Legislature to insure that quality medical services continue to be available at reasonable costs to the citizens of the State of Alabama. This Legislature finds and declares

that the increasing threat of legal actions for alleged medical injury causes and contributes to an increase in health care costs and places a heavy burden upon those who can least afford such increases, and that the threat of such actions contributes to expensive medical procedures to be performed by physicians and other health care providers which otherwise would not be considered necessary, and that the spiraling costs and decreasing availability of essential medical services caused by the threat of such litigation constitutes a danger to the health and safety of the citizens of this state, and that this Act should be given effect immediately to help control the spiraling cost of health care and to insure its continued availability. Additionally, the Legislature finds that the increasing threat of legal actions for alleged medical injury has resulted in a limitation on the number of physicians providing specialized health care in this state. Because of the limited number of insurers offering professional liability coverage and because of the prejudice to the rights of the defendant health care provider through the interjection of evidence of insurance, the Legislature finds that the interest of all citizens will best be served by prohibiting the introduction of evidence that a witness testifying at trial is insured by the same insurer as the defendant health care provider.

Section 2. This Article may be cited and known as "The Alabama Medical Liability Act of 1987" and is intended to supplement "The Alabama Medical Liability Act", Act No. 513 of the 1975 Regular Session of the Alabama Legislature. The provisions of this Act shall be construed so as to be consistent with Act No. 513 of the 1975 Regular Session of the Alabama Legislature and the legislative intent stated herein.

Section 3. Definitions. For the purposes of this Act the following terms shall have the meanings respectively ascribed to them by this section:

1. Health Care Provider. A medical practitioner, dental practitioner, medical institution, physician, dentist, hospital, or other health care provider as those terms are defined in §6-5-481.

2. Standard of Care. The standard of care is that level of such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in like cases. A breach of the standard of care is the failure by a health care provider to comply with the standard of care, which failure proximately causes personal injury or wrongful death. This definition applies to all actions for injuries or damages or wrongful death whether in contract or tort and whether based on intentional or unintentional conduct.

3. Future Damages. Damages for future medical treatment, care or custody, loss of future earnings, future loss of earning capacity,

future loss of bodily function, future loss of consortium or future pain and suffering.

4. Periodic Payment. The payment of money or delivery of other property to the judgment creditor at regular intervals.

5. Substantial Evidence. Substantial evidence is that character of admissible evidence which would convince an unprejudiced thinking mind of the truth of the fact to which the evidence is directed.

Section 4. A. In any action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care the damages assessed by the trier of fact shall be itemized as follows:

1. Past damages

2. Future Damages

3. Punitive Damages

The trier of fact shall not reduce any future damages to present value. If the trial court determines that any one or more of the above categories is not recoverable in the action, that category or categories shall be omitted from the itemization.

B. Where the damages assessed against a defendant or defendants by the trier of fact include an award of future damages, the trial court shall comply with the following in rendering its judgment in the case:

(1) Judgment shall be entered against the defendants for all past damages and punitive damages assessed against the defendants by the trier of fact;

(2) (a) If the award of future damages assessed by the trier of fact is $150,000.00 or less, the trial court shall enter judgment against the defendants for the amount of such future damages.

(b) If the award of future damages assessed by the trier of fact is greater than $150,000.00, the trial court shall (i) enter judgment against the defendants for $150,000.00 of such future damages and (ii) enter judgment requiring the defendants to pay the balance of such future damages in excess of $150,000.00 by periodic payments over a period of years not to exceed such period of years as, according to the evidence offered during the trial of the case, such future damages may be incurred. In entering a judgment against the defendants ordering the payment of future damages by periodic payments the trial court shall make a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages as the same may be incurred, as determined from the evidence offered during the trial of the case.

If, or to the extent that, the evidence offered at trial did not indicate the approximate time or timeframe within which the future damages would be incurred, the trial court, for the purpose of determining the amount of periodic payments and the interval between such payments, shall conclusively presume that such damages will be incurred throughout the life expectancy of the judgment creditor on an equal monthly basis. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. The total amount of all such periodic payments when added to the sum of $150,000.00 and when added to that portion of the future damages award utilized for the payment of a portion of the attorney's fees owed by the judgment creditor shall not exceed the total amount of future damages contained in the verdict.

C. As a condition to authorizing periodic payments for future damages the Court shall require that the defendants either post security sufficient to assure full payment of such damages, or provide evidence the defendants have insurance sufficient to pay the periodic payments as the same become due and that the insurance company which is obligated to pay the judgment holds a certificate of authority in this state, or purchase an annuity of sufficient value to pay the future damages. Nothing contained herein shall be construed as limiting the authority of the trial court to order a new trial, enter a judgment notwithstanding the verdict or order a remittitur of damages. The provisions of this section shall also apply to any judgment entered following remittitur.

D. The future damages shall not be reduced to present value and no interest is to be charged on said damages. No evidence shall be received by the trier of fact concerning the present value of such future damages except pursuant to this subsection. If, as part of the plaintiff's contract with his attorney, the plaintiff is obligated to pay his attorney a fee based on that portion of the award of future damages which exceeds $150,000.00, the Court shall determine what portion of the award of future damages in excess of $150,000.00 is owed to the attorney under the contract and shall enter judgment for the remainder of the award of future damages in excess of $150,000.00 as provided in subsection B.(2)(b) above. As to that portion of the award of future damages in excess of $150,000.00 which is owed to the plaintiff's attorney, that portion shall be reduced to present value by the court, utilizing the life expectancy of the judgment creditor, and judgment shall be entered against the defendant for the reduced amount.

E. Where a judgment is entered for the payment of future damages by periodic payments the following shall apply:

(1) If the judgment creditor dies before the termination of the period of years during which such payments are to be made, the liability of the judgment debtor and every entity or person who has assumed his obligations to pay the judgment creditor shall cease and the estate of the judgment creditor shall have no claim for such payments, except that damages awarded for loss of future earnings as determined by the Court shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to a spouse or children, or both, to whom the judgment creditor owed a duty of support, as provided by law, immediately before his death.

(2) Such duty of support shall be deemed to cease upon the death or remarriage of a spouse or the death or attainment of age twenty-two (22) years by a child, provided, however, that upon the death of a spouse leaving children to whom the judgment creditor owed a duty of support as set out above, payments due the spouse shall be paid to the children until they attain the age of twenty-two (22) years. The death of a child under twenty-two (22) years of age terminates all payments to him.

(3) In the event the Court finds that the judgment debtor has exhibited a continuing pattern of failure to make payments as specified in this section, the Court shall find the judgment debtor in contempt of Court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including court costs and reasonable attorney's fees. In addition, where an installment payment is more than twenty (20) days late, there shall be added to the amount due for that installment interest from the date payment was due at the rate of twenty percent (20%) per annum compounded daily, and attorney's fee if necessary to collect the amount due.

F. The Court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with subsection E of this section. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make future payments shall cease and any security given shall revert to the judgment debtor.

G. In the event periodic payments are ordered under this section, the Court shall order the judgment marked satisfied when the judgment debtor satisfies the Court that he is adequately insured or posts security sufficient to assure full payment of such damages or purchases

an annuity of sufficient value as set out in subsection C of section 4 of this act.

H. It is the intent of the Legislature in enacting this section to require the entry of judgments in malpractice actions against health care providers which provide for the payment of future damages in excess of $150,000.00 through periodic payments rather than lump sum payments. By authorizing periodic payment of judgments as required herein it is the intent of the Legislature that the Courts will utilize such judgments to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent upon the plaintiff for the period of years during which said future damages may be incurred, and to eliminate the potential windfall from a lump sum recovery which was intended to provide for the care of an injured plaintiff over an extended period who then dies shortly after the judgment is paid, leaving the balance of the judgment award to persons and purposes for which it is not intended. It is also the intent of the Legislature that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments.

Section 5. A. In any action for injury whether in contract or in tort against a health care provider based on a breach of the standard of care, the injured plaintiff and spouse upon proper proof may be entitled to recover non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damage.

B. In no action shall the amount of recovery for non-economic losses, including punitive damages, either to the injured plaintiff, the plaintiff's spouse or other lawful dependents or any of them together exceed the sum of four hundred thousand dollars ($400,000.00). Plaintiff shall not seek recovery in any amount greater than the amounts described herein for non-economic losses. During the trial of any action neither the court nor any party shall advise or infer to the jury that it may not return an award for non-economic losses in excess of an amount specified herein; in the event the jury is so advised or such inference is made, the trial court, upon motion of an opposing party, shall immediately declare a mistrial. Any verdict returned which includes an award for non-economic losses in an amount greater than that permitted herein shall be reduced by the trial court to an amount which will include an award of non-economic losses no greater than that permitted herein or to such lesser sums as the trial court deems appropriate in accordance with prevailing standards for reducing excessive verdicts.

Section 6. A. In all actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or

hospital expenses have been or will be paid or reimbursed shall be admissible as competent evidence. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses.

B. In such civil actions, information respecting such reimbursement or payment obtained or such reimbursement or payment which may be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

C. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, evidence relating to such reimbursement or payment shall be admissible.

Section 7. In any action for injury or damages or wrongful death whether in contract or in tort against a health care provider based on a breach of the standard of care, the action must be brought in the county wherein the act or omission constituting the alleged breach of the standard of care by the defendant actually occurred. If plaintiff alleges that plaintiff's injuries or plaintiff's decedent's death resulted from acts or omissions which took place in more than one county within the State of Alabama, the action must be brought in the county wherein the plaintiff resided at the time of the act or omission, if the action is one for personal injuries, or wherein the plaintiff's decedent resided at the time of the act or omission if the action is one for wrongful death. If at any time prior to the commencement of the trial of the action it is shown that the plaintiff's injuries or plaintiff's decedent's death did not result from acts or omissions which took place in more than one county, on motion of any defendant the Court shall transfer the action to such county wherein the alleged acts or omissions actually occurred. For the convenience of parties and witnesses, in the interest of justice, a court may transfer any action to any other county where it might have been brought hereunder and/or may order a separate trial as to any claim or party.

Section 8. In any action commenced pursuant to §6-5-391 or §6-5-410 Code of Alabama, 1975, against a health care provider whether in contract or in tort based on a breach of the standard of care the amount of any judgment entered in favor of the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00). Any verdict returned in any such action which exceeds one million dollars ($1,000,000.00) shall be reduced to one million dollars ($1,000,000.00) by the trial court or such lesser sum as the trial court deems appropriate in accordance with prevailing standards for reducing excessive verdicts. During the trial of any action brought pursuant

to §6-5-391 or §6-5-410 neither the court nor any party shall advise or infer to the jury that it may not return a verdict in excess of one million dollars ($1,000,000.00); in the event the jury is so advised or such inference is made the court, upon motion of an opposing party, shall immediately declare a mistrial. The maximum amount payable under this section, one million dollars, ($1,000,000.00), shall be adjusted on April 15th of each year to reflect any increase or decrease during the preceding calendar year in the Consumer Price Index of the U.S. Department of Commerce. Said adjustment shall equal the percentage change in the consumer price index during the preceding calendar year.

Section 9. A. In any action for injury or damages or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall have the burden of proving by substantial evidence that the health care provider failed to exercise such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice, ordinarily have and exercise in a like case.

B. If the health care provider whose breach of the standard of care is claimed to have created the cause of action is not certified by an appropriate American Board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similarly situated health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and

2. Is trained and experienced in the same discipline or school of practice; and

3. Has practiced in the same discipline or school of practice during the year preceding the date that the alleged breach of the standard of care occurred.

C. If the health care provider whose breach of the standard of care is claimed to have created the cause of action is certified by an appropriate American Board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similarly situated health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and

2. Is trained and experienced in the same specialty; and

3. Is certified by an appropriate American Board in the same specialty; and

4. Has practiced in this specialty during the year preceding the date that the alleged breach of the standard of care occurred.

D. No evidence shall be admitted or received, whether of a substantive nature or for impeachment purposes, concerning the medical liability insurance, or medical insurance carrier, or any interest in an insurer that insures medical or other professional liability, of any witness presenting testimony as a "similarly situated health care provider" under the provisions of this section or of any defendant.

E. The purpose of this section is to establish a relative standard of care for health care providers. A health care provider may testify as an expert witness in any action for injury or damages against another health care provider based on a breach of the standard of care only if he is a "similarly situated health care provider" as defined above.

Section 10. In any action for injury or damages or wrongful death, whether in contract or in tort, against a health care provider based on a breach of the standard of care the minimum standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence. In all such actions, whether arising in tort or in contract, the Scintilla Rule of evidence is abolished. In all pleadings or motions filed in such actions testing the sufficiency of the evidence to support an issue of fact, including but not limited to motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and any other such motions or pleadings respecting the sufficiency of the evidence, the standard of proof required shall be proof by substantial evidence.

Section 11. There is hereby created a cause of action for damages for malicious prosecution on the grounds that the party instituting a civil action for injury or damages whether in contract or in tort against a health care provider based on a breach of the standard of care knew or should have known that the same was without adequate legal basis, or false, or unfounded, or without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing such a civil action known to be without legal basis, false or unfounded. In any action for malicious prosecution under this section, the injured party may recover actual damages including litigation costs paid by or on behalf of the injured party or in the alternative liquidated damages of five hundred dollars ($500.00) plus a reasonable attorney's fee and all other costs of litigation. In an action for malicious prosecution under this section, actual malice need not be an element of the claim nor do special damages need to be proved. The elimination of these requirements in permitting the recovery of actual damages or liquidated damages, a reasonable attorney's fee and other costs of litigation is intended to be in derogation of the common law. The cause of action established by this section is not a compulsory

counterclaim in the original civil action upon which it is based for the purposes of Rule 13, Alabama Rules of Civil Procedure.

Section 12. In any action for injury, damages or wrongful death, whether in contract or in tort, against a health care provider for breach of the standard of care the plaintiff shall include in the complaint filed in the action a detailed specification and factual description of each act and omission alleged by plaintiff to render the health care provider liable to plaintiff. The plaintiff shall amend his complaint timely upon ascertainment of new or different acts or omissions upon which his claim is based; provided, however, that any such amendment must be made at least ninety (90) days before trial. Plaintiff shall be prohibited from conducting discovery with regard to any other act or omission or from introducing at trial evidence of any other act or omission. Any complaint which fails to include such detailed specification and factual description of each act and omission shall be subject to dismissal for failure to state a claim upon which relief can be granted.

Section 13. This Act applies to all actions against health care providers based on acts or omissions accruing after its effective date and as to such causes of action, shall supersede any inconsistent provision of law.

Section 14. The provisions of this Act are severable, and if any part thereof be declared unconstitutional or void by any court of competent jurisdiction, such declaration shall not affect those parts remaining.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 11, 1987

Time: 3:25 P.M.

Act No. 87-190 S. 291—Senator Manley

AN ACT

To propose a constitutional amendment amending Section 6 and deleting Section 16 of Constitutional Amendment 465 so as to provide that the Port Authority established by the City of Jackson shall only maintain offices within said city, that certain powers shall be granted and enforceable only within the City of Jackson and the police jurisdiction of said city and to remove the prohibition against the subsequent incorporation of another corporation within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 6 of Constitutional Amendment 465 is hereby proposed:

"Section 6. A corporation organized and existing under the provisions of this amendment shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

"(a) To adopt and from time to time amend bylaws for the regulation of its affairs and the conduct of its business;

"(b) To adopt an official seal and alter the same at its pleasure;

"(c) To maintain a principal office in the City of Jackson;

"(d) To sue and be sued in its own name, excepting actions in tort against the corporation;

"(e) To construct, own, operate, lease, build, install, acquire, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, loading and unloading facilities, boat and barge docking facilities, fishing facilities, pavilions, auditoriums, shops, stores, boat launching facilities, dry docks, canals, recreational facilities, campgrounds, parking facilities, office and other commercial buildings, water systems, electrical systems, gas and fuel oil pipelines and pumping stations, railroad lines and railway systems, helicopter and airline landing and loading facilities, industrial and manufacturing sites, buildings and facilities, coal and other solid fuel handling facilities, wood products manufacturing and handling facilities, agriculture and farm commodity handling, storage and processing facilities, drainage and sewage facilities, liquid and solid waste handling and disposal facilities, conveyor systems, jetties, mooring facilities, and all necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; and specifically including herein bridge and road relocation, and the construction, maintenance and operation of bridges, tunnels, overpasses, underpasses, roads and sidewalks; and the construction, leasing, operation, equipping, owning, using, controlling and maintaining of public terminal and transfer facilities, flood control facilities, water and soil erosion facilities, railroad and highway bridge relocation and construction and maintenance of the same and all other types of waterway facilities pursuant to all state, county, local and federal laws and regulations relative to the operation and maintenance of the Tombigbee River.

"(f) To own, acquire, maintain and control easements, rights of way, streets, approaches, roads, interests in land, including the fee simple title to real property, riparian rights, and mooring rights

necessary, useful or convenient in gaining access, entry or approach to waterways, rivers, canals and streams, whether or not navigable and whether or not such easements, rights of way, streets, approaches, roads, interests in land, riparian rights and mooring rights lead to property owned or controlled by the corporation.

"(g) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain or lease one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

"(h) To acquire, receive, take, hold, lease or operate, whether by purchase, gift, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to improve or develop any undeveloped property owned, leased or controlled by it;

"(i) To sell, convey, lease or grant options for such purposes, any or all of its projects or properties, whenever its board shall find that such action is in the furtherance of the purposes for which the corporation was organized;

"(j) To exchange or donate any or all of its projects or properties or parts thereof whenever its board shall find such action to be in furtherance of the purpose for which the corporation was organized;

"(k) To execute and deliver such contracts or instruments of writing and to take such action as may be necessary or convenient to carry out the purposes for which the corporation was organized or to exercise any power or authority granted herein;

"(l) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

"(m) To furnish or supply upon any property owned, leased or controlled by the corporation to any persons, machines, automobiles, and watercraft thereon, for reward or compensation, any goods, commodities, safety and health care facilities, fire fighting and prevention facilities, and services convenient or useful to the owners, operators and users of any watercraft, machines, and automobiles, and to persons upon property owned, leased or controlled by the corporation, including, but not limited to, food, lodging shelter, lawful drinks, confections, oil, gasoline, motors and watercraft, motor and watercraft parts and equipment, guard services, space in buildings, space for buildings and structures, communication facilities, telephone systems, and the services of mechanics, repairmen and technicians;

"(n) To charge fees for admission to any of its properties;

"(o) To borrow money on such terms as are acceptable to the corporation for any corporate purpose and to execute and deliver its promissory note or notes and such other agreements as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness;

"(p) To sell, exchange and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful, subject to the approval of the directors of the corporation;

"(q) To procure and agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by the corporation, and to pay premiums or fees for any such insurance or guarantees;

"(r) To enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this amendment, and other applicable laws of the state that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state, the county or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of the corporation;

"(s) To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, planning consultants, fiscal advisors, architects, accountants, financial experts, fiscal agents, managers and such other advisors, consultants and agents as may in its judgment be necessary or desirable as the business of the corporation may require, including the power to fix working conditions by general rule or other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will;

"(t) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any facility or other property owned or controlled by the corporation;

"(u) To make and enforce rules and regulations governing the use of any property or facility or other property owned or controlled by the corporation;

"(v) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

"(w) To enter into a management contract or contracts with any person, firm or corporation, whether public or private, for the

management, supervision or operation of all or any part of its facilities as may in the judgment of the corporation be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this amendment;

"(x) To invest its monies (including, without limitation, the monies held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds or notes and proceeds from the sale of any of its bonds or notes) not required for immediate use in:

"(1) any debt securities that are direct, general obligations of the United States of America,

"(2) any debt securities, the payment of the principal or any interest on which is unconditionally guaranteed by the United States of America,

"(3) any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation, and

"(4) any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by the corporation;

"(y) To issue its bonds for the purpose of carrying out any of its powers and to apply proceeds from the sale of its bonds not only for payment of interest thereon prior to and during the construction and equipment of any buildings, structures, facilities or other improvements being financed thereby but also to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

"(z) To mortgage and pledge any or all of its projects or any part or parts thereof, as security for the payment of the principal, interest and premium, if any, on any bonds so issued and any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof;

"(aa) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Act No. 85-548, S. 287, 1985 Regular Session (Acts 1985, p. 802), as amended;

"(bb) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of the competitive bid laws then in effect in the State of Alabama that might otherwise be applicable.

"(cc) To lend upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds, notes or obligations to a user, whether pursuant to one or more loan agreements or in conjunction with the lease or sale of one or more facilities to such user or the purchase of any authorized purpose obligation relating to a facility or facilities operated by such user, for one or more or any combination of the following purposes:

"(1) To enable such user to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such user may then have in any facility or facilities;

"(2) To enable such user to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

"(3) To enable such user to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expending or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such user or is to be acquired or leased by such user; and

"(4) To enable such user to borrow working capital for use in the operation of one or more facilities,

"(dd) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this amendment.

"Provided however, the powers specified in subsections (e), (f), (g), (h), (i), (j), (l), (m), (n), (t), (u), and (aa) of this section shall be granted and enforceable only within the City of Jackson and the police jurisdiction of the City of Jackson as said police jurisdiction exists on the date this constitutional amendment is ratified."

Section 2. It is further proposed to amend Constitutional Amendment 465 by deleting Section 16 from said constitutional amendment in its entirety. Said deletion shall constitute the repeal of said Section 16 and the section shall be null and void. Said deletion

shall have no effect on all remaining sections of the constitutional amendment.

Section 3. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 5. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Clarke County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate May 19, 1987

Passed the House June 9, 1987

Act No. 87-191 H. 85—Rep. Hettinger

AN ACT

To provide that any city or town council of this state not currently electing the members of its council from single-member districts pursuant to state law may, by ordinance adopted not less than six (6) months prior to the regular municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts with the Probate Judge of the county or counties in which the municipality is located.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city or town council of this state not currently electing its members from single-member districts pursuant to state law may, not less than six months prior to the regular general municipal election, by ordinance adopted by a majority of the

membership of the council, divide the municipality into single-member districts (wards) of not less than five nor more than seven districts (wards). Provided, however, that the number of districts (wards) in any Class 1, 2 or 3 municipality may not exceed nine districts (wards). Such ordinances shall be considered only after two weeks public notice has been given, outlining generally the voting districts under consideration. The ordinance shall provide that candidates for election for a place on the council, where the council has been divided into districts, shall reside within the boundaries of said district (ward) for which he or she seeks election, and shall continue to reside in the district he or she represents so long as he or she remains a member of said council and further that candidates for election to a place on the council shall have resided within the district from which he or she seeks election for a period of ninety days immediately preceding the date of the election. Only electors residing within a district shall be entitled to vote for candidates seeking election for said district.

The ordinance establishing the districts shall describe the territory composing the district by metes and counts, or census tracts, and the municipal clerk, within five days after the adoption of the ordinance, shall file with the judge of probate of the county or counties in which the municipality lies a certified copy of such ordinance accompanied, by a map or plat of the city or town, showing the boundaries of all such districts.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 16, 1987

Time: 4:40 P.M.

Act No. 87-192 S. 320—Senator Holmes

AN ACT

To permit banks situated in Calhoun County to establish, maintain and operate branch banks and branch offices within the limits of Calhoun County for the conduct of a general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Alabama bank situated in Calhoun County, including any resulting bank as defined in Acts 1981, Act No. 81-504, §§3 and 4, regardless of the date of reorganization shall have power to establish, maintain and operate within the limits of the county one or more branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money or the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches first secures the written consent of the State Superintendent of Banks.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 16, 1987

Time: 4:40 P.M.

Act No. 87-193 S. 218—Senator Holmes

AN ACT

Relating to the City of Jacksonville, Calhoun County; authorizing the Jacksonville City governing body to levy an additional ad valorem tax in School District Number 53 to be used for educational purposes and providing for a referendum on such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to subsection (f) of amendment No. 373 of the Alabama Constitution of 1901 and a resolution heretofore adopted by the City of Jacksonville governing body after a public hearing, the governing body is hereby authorized to levy, in addition to any and all other taxes heretofore levied, an additional ad valorem tax on the taxable properties in School District Number 53. The city governing body may impose an additional ad valorem tax in the amount of ten (10) mills on each dollar of taxable property in School District Number 53. The revenues from said tax shall be paid to the Jacksonville City School System to be used for educational functions in School District Number 53.

Section 2. The increase in the rate of said tax as provided herein is subject to the approval of a majority of the qualified electors residing in School District Number 53 who vote on the proposed

increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of amendment No. 373 of the Alabama Constitution of 1901.

Section 3. The provisions of this act are severable. In any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 16, 1987

Time: 4:40 P.M.

Act No. 87-194 S.J.R. 46—Senator Bedsole

SENATE JOINT RESOLUTION

COMMENDING DR. J. E. KIMBROUGH ON HIS DISTINGUISHED MEDICAL CAREER.

WHEREAS, J. E. Kimbrough, a native of Saint Stephens, Alabama, and a third generation of Kimbrough physicians, retired in April 1987, following an association of more than 12 years with Searcy Hospital in Mount Vernon, Alabama, where he served successively as staff mental health physician, psychiatrist and in final capacity, as Assistant Superintendent for Clinical Services since September 1976; and

WHEREAS, following military service during World War II as a U. S. Navy Pharmacist Mate 1st Class, Dr. Kimbrough earned his B.S. and M.D. degrees from the University of Alabama, and completed his surgical internship at the University of Alabama Hospital where he later completed, in 1974, a residency in psychiatry; and

WHEREAS, Dr. Kimbrough was engaged in the private practice of medicine from 1953 to 1969, during which time he served as a rural physician in Clarke, Washington and Mobile Counties, making house calls both day and night and even, at times, going down river by boat to care for his patients; and

WHEREAS, as a result of noting the effect of stress on the mental and physical health of his patients, Dr. Kimbrough developed

an interest in psychiatry which led to his association with Searcy Hospital and specialization study in this field; and

WHEREAS, in addition to his competence and expertise as a physician, Dr. Kimbrough also is a very special person whose career is a reflection of his compassion for others and of his willingness to give freely of his time and of himself to improve the health and lives of his many thousands of patients and their families; and

WHEREAS, Dr. Kimbrough, during his tenure at Searcy Hospital initiated, supported and was instrumental in the development of a number of plans and programs to increase the quality of psychiatric and medical services for patients; he also, among other involvements, participated as a member of the board of Friends of Searcy Hospital Foundation, Inc., in fund-raising activities for the construction and June 1987 opening of a Patient Social-Recreational Building at Searcy; and

WHEREAS, the accomplishments of Dr. Kimbrough are numerous indeed, and he shares his achievement with his beloved wife of 38 years, the former Elizabeth Enfinger, and their four children who are continuing their father's example of public work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his distinguished career and in gratitude for the impact he has had on the well-being of his many patients through the years, we hereby commend Dr. J. E. Kimbrough, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved June 16, 1987

Time: 1:30 P.M.

Act No. 87-195 S.J.R. 45—Senator Bedsole

SENATE JOINT RESOLUTION

COMMENDING EVA GOLSON OF MOBILE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO ALABAMA'S TRAVEL INDUSTRY.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the selection of Eva Golson of Mobile, Alabama, as the recipient of the Award of Excellence by the Alabama Travel Council, a signal honor bestowed annually by the council in recognition of outstanding volunteer involvement in all ATC programs; and

WHEREAS, Eva Golson, who has served since 1976 as director of Mobile's Visitor Welcome Center at Fort Conde, has been active in travel and tourism for the past ten years; her expertise in serving the travel industry in Mobile and Alabama is widely acknowledged, and her proficiency is exceeded only by her enthusiastic and dedicated efforts in promoting and expanding an industry that is of such vital impact on the economy of our State; and

WHEREAS, as the recipient of the ATC Award of Excellence, Mrs. Golson was also cited for her work with the Southeast Tourism Council, which she serves as a director; for her volunteerism on behalf of America's Junior Miss Program and the ground-breaking for the Tennessee-Tombigbee Waterway; and for her leadership roles in various travel shows, parades and other celebrations; and

WHEREAS, Mrs. Golson further is a board member and vice president of the Southern District of the ATC, serves as president of the Press Club of Mobile, is a former officer and director of the Public Relations Council of Alabama, and is the recipient of such additional honors as the "Practitioner of the Year" Award in 1980 and "outstanding member" of the Mobile Bicentennial Community Committee, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Eva Golson of Mobile, Alabama, for outstanding contributions to tourism and travel in the State of Alabama, and direct that she receive a copy of this resolution that is executed in warmest personal regard of her accomplishments.

Approved June 16, 1987

Time: 1:30 P.M.

Act No. 87-196 S.J.R. 44—Senator Dial

SENATE JOINT RESOLUTION

COMMENDING FRANK GOURDOUZE OF SOUTHERN UNION STATE JUNIOR COLLEGE ON HIS OUTSTANDING COACHING CAREER.

WHEREAS, Frank Gourdouze, who has served since 1969 as Head Coach and Athletic Director at Southern Union State Junior College, has announced his retirement at the close of the current school year; and

WHEREAS, a former successful high school basketball coach in Indiana for 23 years and with a 315-196 record, Coach Gourdouze

has posted 17 winning seasons for Southern Union Junior College during his 18-year tenure and was named 1978 Coach of the Year in the National Little College Athletic Association; and

WHEREAS, Coach Gourdouze has unquestionably led the Southern Union Bisons to glorious heights, placing tenth, or better, eleven times in the NLCAA national tournament, including one National Championship, three third-place rankings and two fourth-place finishes; and

WHEREAS, this past season the Southern Union Junior College Bisons had a fantastic 23-2 regular season record, winding up 26-3, overall, after winning the State Junior College Tournament and advancing to round one in the National Title Play-offs; and

WHEREAS, Coach Frank Gourdouze has indeed enjoyed a remarkable and rewarding career; and as he relinquishes the helm at Southern Union, he leaves behind a record of 350 big victories for the Bisons under his leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as Head Coach and Athletic Director at Southern Union State Junior College, we hereby commend Frank Gourdouze, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved June 16, 1987

Time: 1:30 P.M.

Act No. 87-197 S.J.R. 13—Senators Smith (J) and Smith (B)

SENATE JOINT RESOLUTION

NAMING THE OVERPASS AT MEMORIAL PARKWAY AND UNIVERSITY DRIVE IN HUNTSVILLE, ALABAMA, IN HONOR AND MEMORY OF THE LATE RALPH H. FORD.

WHEREAS, Ralph H. Ford was a prominent member of the Madison County Bar whose death on October 16, 1986, at the age of 70 years, left a deep void in the civic and cultural life of the Huntsville community, and in legal circles throughout the State of Alabama; and

WHEREAS, Mr. Ford was a graduate of Huntsville High School, and of the University of Alabama where he received the B.S. and

LL.B. degrees and was a member of Omicron Delta Kappa honorary fraternity, the "A" Club and Pi Kappa Alpha social fraternity; and

WHEREAS, following distinguished service during World War II in the Pacific Theatre, Ralph Ford was honorably discharged as a lieutenant commander, USN, whereupon he entered the private practice of law in Huntsville; and

WHEREAS, during his career, Mr. Ford served professionally in numerous capacities of leadership and was a member of the Advisory Committee on Appellate Rules Practice for the Supreme Court of Alabama from 1971 until his death; a former president of the Huntsville-Madison County Bar Association; a member of the American Bar Association, Alabama State Bar, International Association of Insurance Counsel, Alabama Defense Lawyers Association, Federation of Insurance Counsel, American College of Trial Lawyers, International Academy of Trial Lawyers and the Alabama Council of School Board Attorneys; and

WHEREAS, he also was a former attorney for Madison County and served as attorney for the Huntsville Hospital, the Madison County Board of Education, First American Federal Savings and Loan Association, and the Von Braun Civic Center Board; and

WHEREAS, Mr. Ford further was a past president of the Rotary Club; president of the Huntsville-Madison County Mental Health Board from 1969-1975; past president of the Huntsville-Madison County Chamber of Commerce; and a member of the First United Methodist Church of Huntsville; and

WHEREAS, Ralph H. Ford was indeed a beloved member of his community who long will be remembered for his unfailing courtesy to others, for his gracious charm and constant good humor, and for his years of dedicated and loyal service to the community and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in fitting and lasting tribute to an outstanding Alabamian and to a distinguished first citizen of Huntsville, we hereby name and designate the overpass at Memorial Parkway and University Drive in Huntsville, Alabama, as the "Ralph H. Ford Overpass."

BE IT FURTHER RESOLVED, That we extend deepest sympathy to Mr. Ford's wife, Mrs. Celeste S. Ford; children, Susan F. Echols and Robert H. and John B. Ford; to his mother, Mrs. Ruth S. Ford; and to other family members who shall receive a copy of this resolution as a memento of this honorary designation of the Alabama Legislature.

Approved June 16, 1987

Time: 1:30 P.M.

Act No. 87-198 H. 447—Rep. Bryant

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Hale County and the operation of said probate judge's office.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The judge of probate of Hale County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Hale County such salary as provided by general law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Hale County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Hale County shall hereafter continue to be collected but shall be paid into the general fund of Hale County.

The governing body of Hale County shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Hale County.

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances, compensation or salaries to be charged or received by the judge of probate of Hale County, and may provide for the operation of his office. The legislature may hereafter, from time to time, by general, special or local laws further provide for the distribution of the fees, commissions, allowances, percentages and other charges herein provided for.

This constitutional amendment after its adoption shall not become effective until the beginning of the next term of office of the probate judge.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Hale County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House May 14, 1987

Passed the Senate June 18, 1987

Act No. 87-199 H. 448—Rep. Bryant

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Perry County and the operation of said probate judge's office.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The judge of probate of Perry County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Perry County such salary as provided by general law. Such salary shall be the entire compensation received by such

judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Perry County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Perry County shall hereafter continue to be collected but shall be paid into the general fund of Perry County.

The governing body of Perry County shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Perry County.

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances, compensation or salaries to be charged or received by the judge of probate of Perry County, and may provide for the operation of his office. The legislature may hereafter, from time to time, by general, special or local laws further provide for the distribution of the fees, commissions, allowances, percentages and other charges herein provided for.

This constitutional amendment after its adoption shall not become effective until the beginning of the next term of office of the probate judge.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Perry County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House May 12, 1987

Passed the Senate June 18, 1987

Act No. 87-200 H. 437—Rep. Headley

AN ACT

To apply only in Bibb County providing for service of witness subpoenas by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County the Sheriff shall execute every order from every court in Bibb County to subpoena witnesses as provided in Section 12-21-180, Code of Alabama 1975, or the service may be made by first class mail as follows: It shall be the duty of the Sheriff of the county to enclose the subpoenas in an envelope addressed to the person to be served and place all necessary postage and a return address thereon. In the event said witness subpoena is returned to the Sheriff by the Post Office Department of the United States without delivery, the subpoena shall be by the Sheriff returned NOT FOUND. All witness subpoenas not returned to the Sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. It is specifically provided, however, that, if the party calling a witness expressly requests in writing that the subpoena be delivered to such witness personally by the sheriff or one of his deputies in person, such witness shall be so served. The provisions of this section in reference to service by mail shall not apply, however, to witness subpoenas returnable before the court instanter. Such subpoenas shall be served only as provided in Section 12-21-180, Code of Alabama 1975.

Section 2. This act is cumulative.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-201 H. 537—Reps. Blakeney and Breedlove

AN ACT

To alter Clarke County Commission Districts Three and Two by transferring Beat 19 from District Three to District Two.

Be It Enacted by the Legislature of Alabama:

Section 1. Clarke County Commission Districts Three and Two of the four districts into which the county is now divided for the purpose of electing members of the county commission shall be altered by transferring Beat 19 from District Three to District Two.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-202 H. 618—Reps. Crow, Campbell and Willis

AN ACT

Relating to Calhoun County; to provide further for the compensation and expense allowance of the members of the Civil Service Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Civil Service Board of Calhoun County shall receive an expense allowance of $100 per month except the chairman who shall receive an expense allowance of $150 per month. Such expense allowances shall be in lieu of all other compensation and allowances and shall be paid from the general funds of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-203 H. 620—Reps. Crow, Campbell and Willis

AN ACT

Relating to Calhoun County; providing an additional expense allowance payable from the county treasury for the use of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner shall be entitled to an allowance of not more than $300.00 per month for expense incurred in and about the performance of the duties of his office. The amount of such allowance shall be determined by the county governing body and shall be paid at the end of each month from any funds in the county treasury not otherwise appropriated. The allowance shall be in addition to all compensation, fees, and allowances heretofore provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-204 H. 623—Rep. Reed

AN ACT

Relating to Macon County; authorizing the sheriff of Macon County to employ a county jail administrator and providing for a salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Macon County is authorized to employ a county jail administrator, who shall serve at the pleasure of the sheriff and shall perform such duties as the sheriff may direct. The salary of the county jail administrator shall not exceed $16,500 per annum which shall be paid in equal monthly installments from the sheriff's special fund from the dog track revenue.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-205 H. 625—Rep. Reed

AN ACT

Relating to Macon County; prescribing procedure by which the county commission may set the hours for its regular monthly meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. The Macon County Commission is hereby authorized to set the hours for its regular monthly meetings, from time to time as it deems necessary, by adopting a resolution spread upon its minutes that specifies the time of day at which its regular monthly meetings shall commence.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-206 H. 626—Rep. Reed

AN ACT

Relating to Macon County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Macon County favor a revenue commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1991, upon the approval of a majority of the electors of Macon County, there is hereby created the office of county revenue commissioner for Macon County. Such revenue commissioner shall be elected at the general election in 1990 and at the

general election every six years thereafter, the same as the tax assessor and tax collector are now elected.

Section 2. The offices of tax assessor and tax collector of Macon County are hereby abolished effective upon the implementation of this act, and the Revenue Commissioner shall perform all acts, duties, and functions required by law to be performed either by the tax assessor or the tax collector of the county, including, but not limited to, the assessment of all real property for taxation, the collection of taxes and distribution of taxes according to law, the keeping of records, and the making of reports concerning assessments.

Section 3. Subject to the approval of the Macon County Commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to adequately perform the duties of the office. The acts of the deputies and/or chief clerks shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the Macon County Commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other officials' bonds are conditioned and shall be approved by and filed with the judge of probate of Macon County. The cost of the bond required herein shall be paid out of the general funds of the county on a warrant of the Macon County Commission, and shall be preferred claim against the county.

Section 5. The Macon County Commission shall provide the necessary offices for the county revenue commissioner and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, necessary for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or are hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of the office, the county revenue commissioner shall receive an annual salary equal to $10,000 more than what the salary would be for either the tax assessor or tax collector. In the event one of the persons holding the office of tax assessor or tax collector becomes the revenue commissioner, the annual salary for the revenue commissioner shall be an amount equal to $10,000 more than what the official had been receiving in salary as tax assessor or tax

collector at the time of the enactment of this act. The salary of the county revenue commissioner shall be payable in equal installments, as are the salaries of other county employees.

Section 7. Should either the offices of tax assessor or tax collector for Macon County be vacated for any reason whatsoever between the passage of this act and September 30, 1991, the provisions of this act shall become effective immediately with the remaining office holder acting as county revenue commissioner for the remainder of the term for which he was elected.

Section 8. The purpose of this act is to promote the public convenience in Macon County by consolidation of the offices of tax assessor and tax collector into one county office.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon the approval of a majority vote of the qualified electors of Macon County voting in a referendum election held for such purpose. The question to be presented at such election shall be substantially as follows: "Do you favor the local law for Macon County which abolishes the offices of tax assessor and tax collector and establishes a consolidated and unified system of assessment and collection of taxes by the creation of an office of county revenue commissioner? Yes____ No____." If a majority of the electors vote "yes," the provisions of this act shall become effective. If a majority vote "no," this act shall be null and void and have no force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Macon County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-207 H. 627—Rep. Reed

AN ACT

Relating to Macon County; to amend Sections 9 and 15 of Act No. 83-575, 1983 Regular Session, relating to the Macon County Racing Commission so as to provide for an orderly flow of the distribution of the proceeds of the commission; to provide further for the distribution of the proceeds to Shorter, Alabama and to the Macon County Sheriff's Department; to correct certain arithmetic errors relating to the distribution of the net proceeds of fees, commissions, taxes and other monies received by said Macon County Racing Commission from the operation of said race track; and to correct the titles of certain institutions and departments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 83-575, 1983 Regular Session, is hereby amended to read as follows:

"Section 9. The original license issued in accordance with the terms of this act shall be for a period to allow ten (10) full calendar years of racing following the construction and equipping of the racing plant or facility or for the length of time required for the amortization of the capital investments, whichever is longer, and shall be granted so as to expire on the 31st day of December following such ten (10) full calendar years of racing or the amortization of the capital investment. Once determined by the racing commission, the period of years constituting the length of time required to amortize the said capital investment shall be finally determined, and the term of the original license granted by the racing commission shall continue uninterrupted notwithstanding any subsequent transfer of the original license. On or before the 1st day of December of the last year of the original license, the racing commission shall accept applications in the manner, form and requiring the requisite qualifications all as prescribed in this act for additional periods of not more than three (3) calendar years. On or before the 1st day of January thereafter, the commission shall convene to consider and act upon such applications. Subsequent applications shall be accepted and license issued in the same manner. If a licensee shall apply for a renewal license, the same shall not be denied except for good cause provided, however, the commission may require that such licensee furnish the requisite information and meet the requisite qualifications required by this act.

"The license granted under this act shall set forth in addition to any other information prescribed by the racing commission the name of the licensee, the location of the race track, duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the commission of a license fee set by the commission, provided, however, that such license fee shall not exceed

One Thousand Dollars ($1,000.00) annually. No such license shall be transferable without the prior approval of the racing commission, nor shall it apply to any other place, track, or enclosure except the one specified in the license."

Section 2. Section 15 of Act No. 83-575, 1983 Regular Session, is hereby amended to read as follows:

"Section 15. All fees, commissions, taxes and other monies, including fines, and forfeitures, received under the provisions of this act shall be paid to the treasurer of the racing commission. All such monies remaining after payment of expenses incurred in the administration of this act shall be distributed as provided by law within fifteen (15) days following the quarterly receipt thereof. The Macon County Racing Commission shall then distribute such net proceeds on a quarterly basis as follows:

"(a) The first 51 percent of such net proceeds shall be distributed to the Macon County Board of Education as follows:

"(1) Fifty-one percent of said 51 percent shall go to the general fund of the Macon County Board of Education to be used as they shall see fit.

"(2) The remaining forty-nine percent of said 51 percent shall be used exclusively for a pro rata basis salary subsidy for all employees of the County Board of Education including specifically teachers, administrative and support personnel which includes bus drivers, lunchroom workers, janitors and any other support personnel.

"(b) The next twenty percent of such net proceeds shall be paid to the County Commission to be used as follows:

"(1) Forty-five percent of the twenty percent to the general fund to be used as the County Commission sees fit.

"(2) Ten percent of the twenty percent shall immediately upon receipt by the county commission be paid directly to a sheriff's department fund and shall be placed in no other fund or account. Said sheriff's department fund shall be established by the sheriff and shall be under the exclusive domain and control of the sheriff. No other county official shall have any control of money placed in the sheriff's fund. Money placed in the sheriff's fund shall be used exclusively for law enforcement purposes.

"(3) Ten percent of the twenty percent thereof to the county library.

"(4) Ten percent of the twenty percent thereof earmarked for indigent medical care.

"(5) Five percent of the twenty percent thereof to the Macon County Council on Retardation and Rehabilitation.

"(6) Five percent of the twenty percent thereof to the County Department of Human Resources.

"(7) Ten percent of the twenty percent thereof to the Charity Hospital of Macon County.

"(8) Five percent of the twenty percent for recreation in West, East, North and South Macon County.

"(c) Fifteen percent of the net proceeds shall go to the general funds of the following cities and towns in Macon County, in the following amounts, to be used as their respective governing bodies see fit:

"(1) 62.5% to the City of Tuskegee;

"(2) 25.0% to the Town of Notasulga;

"(3) 6.25% to the Town of Franklin;

"(4) 6.25% to the Town of Shorter.

"(d) Eight percent of the net proceeds shall go to Tuskegee University to be used as follows:

"(1) Sixty-three percent of the eight percent thereof to the general budget of the University.

"(2) Thirty-seven percent of the eight percent thereof to fund a Special Scholarship Fund as determined and administered by the University for economically disadvantaged residents of Macon County.

"(e) Two and three-fourths percent of the total net proceeds shall go to the Macon County Community Action Program.

"(f) Two percent of the total net proceeds shall go to the Southern Vocational College.

"(g) One-fourth of one percent of the total net proceeds shall go to the Children's School in Tuskegee.

"(h) One percent of the total net proceeds shall go to St. Joseph's School.

"If any of the agencies receiving funds under this section cease to exist or should it be determined unlawful for any of the agencies to receive such funds, then the funds allocated thereto shall immediately accrue to the general fund from which the monies were to have been disbursed and the respective governing or administrative bodies may appropriate and spend the money for any lawful purpose."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-208 H. 106—Rep. Campbell

AN ACT

To authorize the Speaker of the House of Representatives to upgrade the employment status of his administrative assistant to confidential assistant and provide for his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any provision of law to the contrary, the Speaker of the House of Representatives is hereby authorized to upgrade the employment status of his administrative assistant to that of a confidential assistant and to establish the compensation of said confidential assistant at an amount not in excess of the maximum allowable compensation of a department head in the executive department of government. The compensation of said employee shall be payable as the salaries of other state employees are paid.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-209 H.J.R. 287—Rep. Adams

HOUSE JOINT RESOLUTION

TO REDUCE THE PER DIEM EXPENSE ALLOWANCE AND TO INCREASE THE MONTHLY EXPENSE ALLOWANCE TO MEMBERS OF THE LEGISLATURE OF ALABAMA.

WHEREAS, the per diem expense allowance for state employees is $40 for in-state travel, and

WHEREAS, there is a wide discrepancy in the salaries of members of the Legislature as a result of the number of interim committees that an individual member is appointed to serve on and the number of out-of-state trips that each member takes, and

WHEREAS, members of the Legislature are sensitive to the public's perception of the fairness of their salary plan, and

WHEREAS, members of the Legislature are presently compensated $85 in per diem expense allowance for every day during a legislative session, and

WHEREAS, members of the Legislature are presently compensated $600 in monthly expense allowances, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid forty dollars ($40) per diem for each legislative day that the Legislature actually meets during any regular session, special session, or organizational session. In addition, each member of the Legislature shall be entitled to and shall be paid forty dollars ($40) for one additional day during each week of any regular session, special session, or organizational session as per diem expenses for committee work. Each member of the Legislature shall be entitled to and shall be paid forty dollars ($40) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of forty dollars ($40) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of forty dollars ($40) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid one thousand and nine hundred dollars ($1900) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of one thousand and nine hundred dollars ($1900) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of one thousand and nine hundred dollars ($1900) shall be in addition to the reasonable expense allowance provided to presiding officers as

authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That this order shall take effect on August 1, 1987.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-210 S.J.R. 106—Senators Horn and Hilliard

SENATE JOINT RESOLUTION

COMMENDING LORENZO DAVIS FOR OUTSTANDING ACHIEVEMENT AS A PROFESSIONAL ATHLETE.

WHEREAS, the 1986 retirement of Lorenzo Davis brought to a close a distinguished career of some 50 years in professional athletics; and

WHEREAS, a native of Piper, Alabama, Lorenzo Davis who acquired the nickname, "Piper," as a student at Interurban Heights High School in Fairfield, Alabama, attended Alabama State and Miles Colleges in 1935-36; and

WHEREAS, during the subsequent years 1936-1986, Mr. Davis was active and prominent in both basketball and baseball on the professional level, and as player, manager and scout; and

WHEREAS, in basketball, Mr. Davis was primarily associated with the Harlem Globe Trotters during the forties and fifties; the major portion of his professional career, however, was in both minor and major league baseball as an outstanding player and as a pioneer in the acceptance of Blacks into the professional ranks; and

WHEREAS, Piper Davis' career highlights in pro baseball include distinguished seasons with the Birmingham Black Barons during which he was named to every All-Star team and his participation in All-Star games with such all-time greats as Satchel Paige, Roy Campanella and Jackie Robinson; and

WHEREAS, he further was the first Black to be signed by the Boston Red Sox for whom he played with Class A Scranton, Pennsylvania, leading the team in hitting .333, RBI's, Home Runs and tied in stolen bases; and

WHEREAS, Piper Davis also has served as scout for the Major League Scouting Bureau for the Saint Louis Cardinals and the Montreal Expos; and

WHEREAS, the recipient of numerous honors attesting to his outstanding athletic talent and ability, Mr. Davis resides in Birmingham where he is a member and deacon of Sardis Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lorenzo "Piper" Davis, an outstanding professional athlete and an Alabama native in whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-211 S.J.R. 103—Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING THE DECATUR HIGH SCHOOL CONCERT CHORUS FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Legislature notes the numerous accomplishments of the Decatur High School Concert Chorus under the talented leadership and tutelage of Jimmy Cantrell, the school's music teacher and choral director for the past 15 years; and

WHEREAS, this Decatur High concert group, comprised of 117 talented young boys and girls from all four high school grades, received an Over-all Superior Rating in the State Choral Competition, April 22, in Tuscaloosa, Alabama; and

WHEREAS, we also note with highest commendation that the Decatur High School Concert Chorus was competing with 52 high schools from throughout Alabama and was our state's only concert chorus to receive the competition's Superior Rating for the second consecutive year; and

WHEREAS, the Decatur High School Concert Chorus has indeed brought great honor to their school and to the community, and these young gifted musicians have received even further recognition through performances, by request, at numerous civic and patriotic events in Decatur, Morgan County and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great personal pride in our youth and in recognition of outstanding achievement,

we hereby most highly commend Choral Director Jimmy Cantrell and the Decatur High School Concert Chorus, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-212 S.J.R. 102—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING ESTES HUDSON OF WINFIELD, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND HIGH SCHOOL ATHLETICS.

WHEREAS, Estes Hudson, a lifelong resident of Marion County, Alabama, and a former high school coach and Superintendent of the Marion County Schools, is greatly loved and admired by his fellow citizens for his lifetime that has been dedicated to youth; and

WHEREAS, a native of Hacklebury and a graduate of Hacklebury High School where he lettered in all sports and served as captain of the football, baseball and basketball teams, Mr. Hudson attended Birmingham Southern for one year, graduating from Jacksonville State Teachers College with the B.S. degree; he lettered in all three sports during his four years in college and served as president of his class all three years at Jacksonville State, where he also made all-conference in the three major sports; and

WHEREAS, following post graduate work at Peabody, Coach Hudson served as coach and teacher at Brilliant High School where he had a 15-3-1 record and led his football team to the county championship; and

WHEREAS, Coach Hudson then served in the United States Navy during World War II, including a tour of duty in the South Pacific; he was honorably discharged as a lieutenant junior grade, whereupon he resumed his career at Perry County High School where his basketball team was 24-5 and participated for the first time ever in the state tournament; and

WHEREAS, the following year, Estes Hudson joined the Winfield City Schools as coach, athletic director and city recreational director for some 18 years, leaving in 1964 to serve three consecutive terms as Superintendent of the Marion County Schools; and

WHEREAS, Coach Hudson holds an outstanding record in athletics for his years at Winfield with a 458-170 basketball record, 113-46-17 in football, and 14 county championship teams; and

WHEREAS, in addition to his guiding influence on hundreds of young students, Coach Hudson also has greatly contributed to the community in all areas of civic, professional and charitable affairs and, in addition to numerous professional and civic affiliations, is a member of the official Board of Stewards of Winfield First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to public education, high school athletics and the community, we hereby commend Estes Hudson of Winfield, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-213 S.J.R. 101—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING "CITIZEN OF THE YEAR" HOWIE LYONS OF HALEYVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Howie Lyons as "Citizen of the Year" and as the recipient of the first such annual award of the Haleyville Civitan Club; and

WHEREAS, a prominent educator and coach in the Haleyville City School System for the past 19 years, Mr. Lyons currently is assistant principal of 14th Avenue Elementary School, and also Cross Country coach at Haleyville High School, which has amassed an unprecedented five State Championships under Coach Lyons' leadership; and

WHEREAS, Howie Lyons is indeed an exemplar of professionalism and an educator who not only evidences sincere interest and concern for his students and the Haleyville Schools, but for the community and all citizens thereof whom he serves through involvement and support of numerous civic and community endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and community involvement, we hereby commend Haleyville "Citizen of the Year" Howie Lyons, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-214 S.J.R. 99—Senator Bedford

SENATE JOINT RESOLUTION

DESIGNATING NORTHWEST STATE TECHNICAL COLLEGE AS THE TENNESSEE-TOMBIGBEE "CORRIDOR CENTER FOR PROGRAM COORDINATION AND TRAINING."

WHEREAS, it is recognized that the development of the Tennessee-Tombigbee Waterway has created the potential for massive economic growth within the Tennessee-Tombigbee Corridor composed of nineteen counties in Alabama; and

WHEREAS, such industrial development will increase demands for educational programs and services; and

WHEREAS, the Corps of Engineers did a study entitled Industrial Location in the Tennessee-Tombigbee Corridor, which identified 17 major product groups that include 88 different manufacturing industries as potential industries for locating in the corridor counties; and

WHEREAS, the two-year technical colleges are a solid foundation for economic and industrial growth across our state, providing the unique training and retraining of workers for new industries and businesses; and

WHEREAS, eight universities in the Tennessee-Tombigbee Waterway area have already formed a Tennessee-Tombigbee Research Consortium to pool the research capabilities of these institutions; and

WHEREAS, there is a need for one technical college to become the focal point for the coordination of training and the seeking federal and industry grants for all such schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Northwest

Alabama State Technical College is hereby named and designated as the Coordinating Center for all two-year colleges for industrial training and retraining and educational services in the nineteen Tennessee-Tombigbee Corridor counties in Alabama, and that the Center shall be known as the Tennessee-Tombigbee "Corridor Center for Program Coordination and Training."

BE IT FURTHER RESOLVED, That the Center shall be established for the purpose of educational and training efforts as well as development activities necessary to foster economic growth, coordinate training and retraining for business and industry, and serve as a liaison between education, government, business, industry and civic organizations within the cooridor counties of the Tennessee-Tombigbee Waterway.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-215 S.J.R. 98—Senator Bedford

SENATE JOINT RESOLUTION

COMMENDING ODENE MAY OF WINFIELD, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT AND FOR CONTRIBUTIONS TO PUBLIC EDUCATION.

WHEREAS, the Alabama Legislature notes with pleasure and in commendation, the selection of Miss Odene May as "Woman of the Year," a prestigious honor bestowed by the Winfield Business and Professional Women's Club in recognition of contributions to public education and to the community; and

WHEREAS, a retired teacher, Miss May served the Winfield City School System for 40 years, teaching third grade students, and as the Basic Adult Education teacher of night classes for seven years; and

WHEREAS, Miss May's professional affiliations have included membership, office and service on all levels—local, state, district, regional and national—and she has received a number of honors and awards recognizing the dedication of her contributions; and

WHEREAS, she also has been active politically in such projects as A-Vote fund raising and as a member of the organization's telephone and transportation committees; and

WHEREAS, Miss May additionally is prominent in many community affairs, most particularly those serving the elderly, homebound

and handicapped; she further is a member of AARP, an American Red Cross volunteer, and is a member of Winfield Baptist Church where she is faithful in attendance and is involved in all phases of church activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly congratulate and commend Odene May as Winfield's Woman of the Year, and direct that she receive a copy of this resolution, executed in deep admiration and regard of her many outstanding accomplishments and contributions to public education and to the community.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-216 S.J.R. 84—Senators Corbett and Manley

SENATE JOINT RESOLUTION

COMMENDING GALLASNEED WEAVER OF WASHINGTON COUNTY, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with commendation and esteem the numerous accomplishments of Gallasneed Weaver who resides in Washington County, Alabama, and is a 1987 selection for the Bacone College Hall of Fame; and

WHEREAS, born November 16, 1933, the eldest of nine children, Mr. Weaver attended Acadia Baptist Academy in Eunice, Louisiana; he is a graduate of Bacone College, of Redlands College with the B.A. degree, the University of South Alabama with a master's degree, and received the AA administrative certificate from Livingston State University in 1986; and

WHEREAS, Mr. Weaver, who became a Baptist minister at the age of 15 years, has served as pastor of Rivers Baptist Church since 1961; he also taught in the Indian schools in Washington County from 1960 to 1969 and has since served as principal at Reeds Chapel School; and

WHEREAS, he further holds the distinction of being the first Indian to run for an elective office in Washington County and has served two terms (1984-85 and 1985-86) as chairman of the Alabama Indian Affairs Commission; and

WHEREAS, Gallasneed Weaver's inclusion in the Bacone College Hall of Fame is indeed highest recognition of his numerous contributions in the Indian world and his service to his own people in the political, civic, religious, educational and tribal arenas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Gallasneed Weaver of Washington County, Alabama, for outstanding achievement and for longtime service his people, the community, the State of Alabama and the nation.

BE IT FURTHER RESOLVED, That Mr. Weaver receive a copy of this resolution that we execute in sincere admiration and in warmest personal regard.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-217 S.J.R. 73—Senators Dixon and Langford

SENATE JOINT RESOLUTION

COMMENDING DARYL SAGER OF JEFFERSON DAVIS HIGH SCHOOL, MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates Daryl Sager of Montgomery's Jefferson Davis High School on the State High School Golf Championship during the Alabama High School Association Tournament at Gulf Shores; and

WHEREAS, a six-foot putt on the 36th and final hole of the tournament gave Daryl Sager a round of one-over 73 and a two-day total of 142, contributing to the "J. D." Volunteers' second-place finish, just two shots short of the Mobile McGill-Toolen Champions; and

WHEREAS, that neatly placed six-footer, however, put Daryl Sager in a play-off for the individual title, and it took just one hole of sudden-death play for this Jeff Davis golfer to clinch the title as the best in the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend State Golf Champion Daryl Sager of Montgomery, Alabama, and direct that he receive a copy of this resolution that we execute in highest regard and in warm best wishes for every future success.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-218 S.J.R. 70—Senator Smith (B)

SENATE JOINT RESOLUTION

COMMENDING J. JEFFERY IRONS OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with deep appreciation that the Legislature of Alabama applauds the instrumental and successful efforts of J. Jeffery Irons of Huntsville, Alabama, in the establishment of the Huntsville-Madison County Chapter of the National Space Club; and

WHEREAS, prior to the founding of the Huntsville-Madison County Chapter in the Fall of 1985, the only National Space Club in existence was in Washington, D. C., despite community effort in a number of other locales; and

WHEREAS, in contrast, however, the Huntsville-Madison County Space Club has flourished, and its establishment and considerable success are to the credit and leadership of J. Jeffery Irons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend J. Jeffery Irons of Huntsville, Alabama, for outstanding community service, and do further express deep appreciation for his instrumental role with the Huntsville-Madison County National Space Club, for which we tender this resolution of sincere praise and regard.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-219 S.J.R. 68—Senator Smith (B)

SENATE JOINT RESOLUTION

HONORING JAMES R. THOMPSON, JR., DIRECTOR OF THE MARSHALL SPACE FLIGHT CENTER IN HUNTSVILLE, ALABAMA.

WHEREAS, in highest privilege and honor, the Legislature of Alabama welcomes James R. (J.R.) Thompson, Jr., director of the Marshall Space Flight Center in Huntsville, Alabama, since September 1986; and

WHEREAS, Mr. Thompson, who assumed that position following three years as deputy director for technical operations at Princeton University's Plasma Physics Lab, previously spent 20 years with NASA at the Marshall Space Flight Center in a number of positions, including director for engineering in the Science and Engineering Directorate and as manager of the Space Shuttle Main Engine Project in the Shuttle Project Office; and

WHEREAS, a native of Greenville, South Carolina, Mr. Thompson holds a bachelor of science degree in aeronautical engineering from the Georgia Institute of Technology, a master of science degree in mechanical engineering from the University of Florida and has completed the required course work at the University of Alabama toward a Ph.D. in fluid mechanics; he also served as a Lieutenant in the United States Navy from 1958 to 1960, whereupon he began his professional career as a development engineer with Pratt and Whitney Aircraft; and

WHEREAS, in recognition of notable contributions to our naton's space program, Mr. Thompson was awarded the NASA Medal for Exceptional Service in 1973 for his work on Skylab; the NASA Medal for Distinguished Service in 1981 for his work on the Space Shuttle main engine; and, in 1982, was conferred with the rank of Meritorious Senior Government Executive by President Reagan; and

WHEREAS, Mr. J. R. Thompson is indeed most eminently qualified to direct the Marshall Center in the continuance of its leading role in America's space program which has been firmly established through such accomplishments as the development of Saturn launch vehicles and lunar roving vehicles for the Apollo program; for Skylab, the first U. S. space station; and for the development of numerous experiments resulting in a wealth of scientific data essential to our conquests in space; and

WHEREAS, currently and in addition to responsibility for a wide variety of NASA projects, the Marshall Center has been given a substantial role in the development of Space Station, a permanently manned space facility proposed by President Reagan to be in orbit in 1996; and

WHEREAS, it is the consensus of this body that Mr. J. R. Thompson and the dedicated employees of Marshall Space Flight Center, in disciplined and determined expertise, are a permanent presence in space exploration and, having built a firm foundation, are prepared to accept the challenges of the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished contributions to America's space program, and in anticipation of a continuing vital role of Marshall Space Flight Center

under his leadership, we hereby commend Director James R. Thompson, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-220 S.J.R. 65—Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING CONRAD L. NEWMAN OF UNION SPRINGS, ALABAMA, FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF HENRY AND BULLOCK COUNTIES.

WHEREAS, Conrad L. Newman has served with the public schools of Henry and Bullock Counties since 1954, and his July 1, 1987, retirement thereby brings to a close an outstanding professional career of some 33 years; and

WHEREAS, a native of Clopton, Alabama, Mr. Newman received the A. B., M. Ed. and Ed. S. degrees, as well as his AA Certificate, from Alabama State University in Montgomery; and

WHEREAS, Mr. Newman began his career in Henry County in 1954 as a teacher at Northside High School, and subsequently served as principal of various schools within the Henry County System until 1979; and

WHEREAS, after serving as Assistant Superintendent of the Henry County Schools from February 1979 to August 1979, Mr. Newman became Superintendent of Schools in Bullock County and has since so served with highest distinction; and

WHEREAS, Mr. Newman is professionally associated with such prestigious organizations as Phi Delta Kappa, National Education Association (Life), the American, Alabama, and District IV (Alabama) Associations of School Administrators, the Alabama Council for School Administration and Supervision, and the Alabama Association of School Boards; and

WHEREAS, he also holds fraternal membership in Alpha Phi Alpha and Magnolia Lodge Number 219 F and AM, and is listed in such profiles as Personalities of the South, Who's Who in the South and Southwest and Notable American Awards; and

WHEREAS, Dr. Newman further is the recipient of a number of awards, honors and accolades, and in 1982 was recognized by Alabama State University as Alumnus of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for his many years of outstanding service in the field of education and in recognition of distinguished achievement, we hereby commend Conrad L. Newman of Union Springs, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-221 S.J.R. 59—Senators Bennett, Hilliard and Horn

SENATE JOINT RESOLUTION

COMMENDING JOHNNY LONG OF BESSEMER, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO UNITED STEELWORKERS OF AMERICA, DISTRICT 35.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the numerous and outstanding contributions of Johnny Long, Bessemer, Alabama, to District 35 of United Steelworkers of America and his selection as the recipient of the 1987 Labor Award of the Organized Labor and Workmen's Circle; and

WHEREAS, a native of Gainesville, Alabama, and a graduate of Bessemer's Brighton High School, Mr. Long attended Booker T. Washington Business College and the University of Alabama Center for Labor Education; he is a 1973 graduate of Lawson State Community College and has completed additional studies at Georgia State University; and

WHEREAS, Mr. Long, who is a United States Air Force veteran with four years' service, began his career in United Steelworkers of America in 1955 as a pipe finisher with U. S. Pipe and Foundry Company; he was first elected as recording secretary of Local Union 2140 and later served as financial secretary, and as president for two terms; and

WHEREAS, in 1976, he was appointed by the union's international president to serve as staff representative in the Atlanta, Georgia, area of District 35 and he is the district's Civil Rights Coordinator, Consent Decree Coordinator and is a District 35 educator; and

WHEREAS, Mr. Long, as present assistant director of District 35, United Steelworkers of America, works closely with the Georgia

State AFL-CIO, and is a vice president of the Atlanta Labor Council and member of A. Philip Randolph Institute, the Coalition of Labor Union Women, the Indutrial Relations Research Association and the Martin Luther King, Jr., Center for Social Change; and

WHEREAS, Mr. Long further extends his activities to include involvement in the affairs of Antioch Baptist Church and he serves by appointment of Atlanta Mayor Andrew Young on that city's Civil Service Board; he also is a former two-term president of the Democratic Executive Committee, served as Constable of District 49 for two terms and was president of the Community Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and contributions to United Steelworkers of America, we hereby commend Johnny Long of Bessemer, Alabama, whom we hold in highest esteem and to whom a copy of this resolution shall be presented.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-222 S.J.R. 58—Senators Preuitt, Amari, Bailey Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING ANNETTE SHELBY UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

WHEREAS, the Legislature of Alabama notes with highest commendation the induction of Annette Shelby into the Alabama Women's Academy of Honor, a prestigious and charter membership bestowal by the Business and Professional Women's Foundation Board; and

WHEREAS, a graduate of the University of Alabama with both the B.A. and M.A. degrees, Annette Shelby also holds a Ph.D. from Lousiana State University; she formerly was associated with the

School of Speech and later the Graduate School of Commerce and Business Administration at the University of Alabama, where she became a tenured Associate Professor, and currently is a member of the Graduate faculty at Georgetown University where she is the only woman ever to obtain said permanent status in the school; and

WHEREAS, Dr. Shelby, who is a specialist in the areas of management communication, organizational communication, public speaking and advocacy, rhetorical theory, and issues management, is the recipient of numerous awards and honors in recognition of outstanding achievement throughout her academic career including, among others, Phi Beta Kappa, Phi Kappa Phi, the Leavey Award for Excellence in Private Enterprise Education, the Speech Communication Association's Golden Anniversary Monograph Award, a Danforth Foundation National Advisory Council appointment, World Who's Who of Women, Notable Americans and Personalties of the South; and

WHEREAS, she further has published more than 30 professional articles, a number of books as well as other publications, and has directed theses and independent research at both the University of Alabama and Georgetown University; and

WHEREAS, Dr. Annette Shelby is indeed an exemplar of achievement and an outstanding model for the women of Alabama and America who would seek to achieve success in highest degree in a dual, career-family role; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of highest regard, we hereby commend Dr. Annette Shelby, and further direct that she receive a copy of this resolution in sincere admiration of her distinguished achievement.

Approved June 18, 1987

Time 3:45 P.M.

Act No. 87-223

S.J.R. 57—Senators Preuitt, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton,

Parsons, Rice, Sanders,
Smith (B), and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING ANN BEDSOLE OF MOBILE UPON HER INDUCTION INTO THE ALABAMA WOMEN'S ACADEMY OF HONOR.

WHEREAS, the Alabama Legislature, in great personal pride, most warmly congratulates our friend and colleague, Ann Bedsole of Mobile, upon her charter induction into the Alabama Women's Academy of Honor, a prestigious conferment of the Business and Professional Women's Foundation Board, in recognition of Mrs. Bedsole's distinguished service to community, state and nation; and

WHEREAS, Ann Bedsole, who was elected to the Alabama House of Representatives in 1978, became the first Republican woman to serve in the Alabama Legislature since Reconstruction; she also was the first woman ever elected to the Alabama Senate and now, in her third senatorial term, is the first woman to chair a standing committee of that body; and

WHEREAS, Mrs. Bedsole, however, in addition to the arduous demands of her public career, has extended her involvement to include numerous volunteer and leadership activities on both local and statewide levels, as well as nationally, and in such areas as education, youth, the arts, historical development and preservation, tourism, conservation and Dauphin Way United Methodist Church, among others; and

WHEREAS, her endeavors, furthermore, have been recognized through bestowal of a number of honors and accolades from many institutions and organizations including Huntingdon, Mobile and Spring Hill Colleges, the Perdue Hill-Claiborne Historic Foundation, the Society of American Foresters, and the Alabama Forestry Commission; and

WHEREAS, in grateful acknowledgement, of Mrs. Bedsole's contributions and accomplishments on behalf of the citizens of Mobile, Alabama, and the nation, we also note that her leadership role as a responsible and concerned citizen long predates her service in political office, and these contributions of such long standing continue to impact on the lives of all those she serves with great distinction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great honor and privilege, we hereby commend our friend and colleague from Mobile, Alabama, Senator Ann Bedsole, whom we hold in highest

personal regard and to whom a copy of this resolution shall be presented.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-224 S.J.R. 42—Senators Bedford and Manley

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM OVERTON WINSTON, III, OF VERNON, ALABAMA.

WHEREAS, in sense of deep sorrow, the Legislature of Alabama records the untimely death of William Overton Winston, III, of Vernon, Alabama, at the age of just 37 years, and as the result of injuries sustained in a tragic automobile accident on March 27, 1987; and

WHEREAS, William O. "Bill" Winston, a native of Sumter County, was a graduate of the University of Alabama and Auburn University and in 1977 served one year as assistant district attorney for the 24th Judicial Circuit comprised of Fayette, Lamar and Pickens Counties; and

WHEREAS, in 1978 and to fill an unexpired term, Mr. Winston was appointed district judge for Lamar County by Governor George Wallace; in 1980, Judge Winston was elected to a full six-year term; and

WHEREAS, Judge Winston, in addition to such distinguished public service, also was active in community and civic leadership, serving two terms as president of the Lamar County chapter of the University of Alabama Alumni Association and as president of the Vernon Kiwanis Club; and

WHEREAS, he further had served as vice president of the Alabama Juvenile Judges Association, as chairman of the Alabama District Judges' Education Committee, and was a member of the Lamar County Cattlemen's Association, the 24th Judicial Circuit Bar, the Alabama Bar Association and the First United Methodist Church of Vernon; and

WHEREAS, Judge William Winston was indeed a prominent and beloved member of the community, and his tragic death is an inconsolable loss to those who so greatly benefited from his lifetime of service and leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Overton Winston, III, and extend deepest and heartfelt sympathy to his wife, Mrs. Beth Winston; daughter, Allison Winston; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved June 18, 1987

Time: 3:45 P.M.

Act No. 87-225 S. 271—Senator Hilliard

AN ACT

Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), is hereby amended further to read as follows:

"Section 3. Membership of personnel board. Said personnel board shall consist of three members designated respectively as member number one, member number two and member number three, each of whom shall be over twenty-one years of age, of recognized character and ability, a bona fide resident and qualified voter of such county and shall not, when appointed, nor for the three years then last past before the date of his appointment, have held public office or political party office, nor have been a candidate for such and who shall not directly or indirectly have solicited membership on such board, provided that in any county which is or may hereafter be divided by law into two divisions for the trial of cases in the circuit court of such county, not more than two members of the board shall be residents of the same division. The board shall meet once a month on dates to be fixed by its rules and regulations and as often as shall be necessary for the orderly dispatch of its business. Members number one, two and three shall be appointed by the citizens supervisory commission of such county, which commission shall likewise appoint their successors. In all counties becoming subject to the provisions of this act, said board shall be appointed as soon as it is determined that such county is in the population class subject to this act. Member number one who shall be the chairman of the board shall hold office

for a term of two years and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms of their respective predecessors. Member number two shall hold office for a term of four years and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms of their respective predecessors. Member number three shall hold office for a term of six years and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms of their respective predecessors. In the event of a vacancy on the board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the citizens supervisory commission for the then unexpired term. The chairman of the board shall receive One Hundred Dollars for each meeting of the board attended by him and One Hundred Twenty-Five Dollars per day for attendance upon trials and hearings. Each member of the board other than the chairman shall receive Seventy-Five Dollars for each meeting of the board attended by him and One Hundred Dollars per day for attendance upon trials or hearings. This compensation shall be paid as salaries of county employees are paid on the warrant of the member claiming such compensation."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-226

S. 112—Senators Dial, Manley, Rice, Hand, Foshee, Barron, Hale, Covington, Campbell, Ellis, Dixon, Preuitt, Bailey, Smith (B), Drinkard and Amari

AN ACT

To create and provide for the incorporation, organization and operation of the Alabama water pollution control authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans to public bodies and to issue its bonds; to establish the revolving loan fund to be operated by the Alabama department of environmental management; and to provide

for state assistance to and cooperation with public bodies in financing wastewater treatment facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) AUTHORITY. The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama water pollution control authority."

(2) AUTHORIZING RESOLUTION. A resolution or order adopted by the board of directors of the authority authorizing the issuance of bonds by the authority pursuant to this act or by a public body.

(3) BOARD OF DIRECTORS. The board of directors of the Alabama water pollution control authority.

(4) BONDS. The "water pollution control bonds," notes or obligations or other evidence of indebtedness issued by the authority under the provisions of this act.

(5) BOND PROCEEDS. The direct proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

(6) DEPARTMENT. The department of environmental management or any successor.

(7) FEDERAL CLEAN WATER ACT. The act of congress so designated (P. L. 92-500) approved October 18, 1972 (33 U.S.C. 1251 et seq.), as amended from time to time.

(8) PROJECT. The wastewater treatment facilities of a public body to consist of one or more treatment facilities designed to prevent the discharge of untreated or inadequately treated sewage, industrial wastes or other wastes, for purposes of compliance with requirements of the Federal Clean Water Act.

(9) PUBLIC BODY. Includes each county, state agency, incorporated city or town, or their instrumentality created by or pursuant to state law and having jurisdiction over the disposal of sewage, industrial wastes, or other wastes. It includes also a combination of two or more of the foregoing having such jurisdiction.

Section 2. It is the intent of the legislature by the passage of this act to enable the state acting by and through the authority and the department to aid in the prevention and control of water pollution, to provide state financial aid to public bodies for the prevention and

control of water pollution, and to these ends to authorize the incorporation of a state authority with power to issue water pollution control bonds; and to agree to pay and to pay such portion of the estimated reasonable cost of the projects of each public body as may be required to meet the water quality goals of the Federal Clean Water Act, as amended.

Section 3. (a) There is hereby established the "water pollution control revolving loan fund," which shall be maintained in perpetuity and operated by the department as agent for the authority for the purposes stated herein. Grants from the federal government or its agencies allotted to the state for capitalization of the revolving loan fund, state matching funds where required, and loan principal, interest, and penalties shall be deposited as required by the terms of the federal grant directly in the revolving loan fund. Money in the revolving loan fund shall be expended in a manner consistent with terms and conditions of the federal capitalization grants and may be used to provide loans for the construction or rehabilitation of public wastewater treatment facilities; to secure principal and interest on bonds issued by the authority if the proceeds of such bonds are deposited in the revolving loan fund to the extent provided in the terms of the federal grant; to purchase debt incurred by public bodies for wastewater treatment projects; to fund other programs which the federal government may allow in the future through its grants; to fund the administrative expenses of the department relating to the responsibilities and requirements of this act; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested and all interest earned on such investments shall be credited to the revolving loan fund.

(b) The revolving loan fund shall be administered by the department, as agent for the authority, which is authorized to establish procedures and adopt such regulations as may be required to administer the revolving loan fund program in accordance with the Federal Clean Water Act and state law and to enter into contracts and other agreements in connection with the operation of the revolving loan fund, including but not limited to, contracts and agreements with federal agencies, public bodies, the authority, and other parties to the extent necessary or convenient for the implementation of the revolving loan fund program. Acting as agent for the authority, the department shall maintain full authority for the operation of the revolving loan fund in accordance with applicable federal and state law and loan recipients will be on the state needs list or otherwise satisfy Clean Water Act requirements. The department shall provide an annual report on the revolving loan fund program to the United

States environmental protection agency as required by the Clean Water Act and to the governor.

Section 4. The governor, the lieutenant governor, the speaker of the house of representatives, the director of the department of environmental management, and the director of finance may become a public corporation to be known as the Alabama water pollution control authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act.

Section 5. (a) To become a corporation, the governor, the lieutenant governor, the speaker of the house, the director of the department and the director of finance shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama water pollution control authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or any other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of

the department shall be the vice-president thereof and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reasons of death, resignation, expiration of his term of office or for any other reason, then his successor in office shall take his place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service he may render or for any duty he may perform in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least three members of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The authority shall have the following powers, among others specified by this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

(2) To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To acquire in any manner and to hold title to or leasehold interests in real and personal property and to sell, convey or lease the same for purpose of carrying out its functions and duties hereunder;

(6) To construct and operate or lease to or from any public body and project;

(7) To execute agreements effectively obligating the authority to agree to pay and to pay such portion of the estimated reasonable cost of the project of each public body as may be required to meet the water quality goals of the Clean Water Act and the state;

(8) To issue bonds or other obligations provided such proceeds are deposited in the revolving loan fund;

(9) To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act; and

(10) To appoint and employ such attorneys, financial advisors, agents and employees as the business of the authority may require.

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

(c) The governor shall deliver an annual report of the authority to the legislature.

Section 7. For the purpose of providing funds for the authority to make loans to public bodies for a project or projects, or for the payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 25 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge, transfer and assign any obligations of each public body, payable to the authority and the security for such obligation.

Section 8. The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may deem advantageous. The bonds may be sold at private or public sale. Bonds sold at public sale shall be awarded to the bidder whose bid reflects the lowest net interest cost to the authority for the bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids and readvertise. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the board of directors may determine subject to state law. The authority may pay from the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorney's fees, financial advisory fees, and other expenses which the board of directors may deem necessary or advantageous

in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 9. In anticipation of the issuance of bonds, the authority may borrow such sums as may be needed for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the authority, and maturing within 18 months from the date of such certificate or promissory note. Such certificates or promissory notes shall be payable solely from the proceeds of the bonds of the authority and from the funds from which such bonds are payable. In the event that authority funds are not available for a loan for a project when application is made, in order to accelerate the completion of any project, the public body may, with the approval of the authority, obligate such public body to provide local funds to pay that portion of the cost of the project which the authority will make available by loan, and the authority shall refund the amount expended on its behalf by such public body.

Section 10. The authority may from time to time issue and sell its refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. The holders of such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. (a) In order to provide for the funding of the loan by the authority for a project to the public body, such public body shall establish a dedicated source of revenue to repay the monies received from the authority and to provide for operation, maintenance and equipment replacement expenses. Such public body is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

(1) To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project and to pay over such debt service to the account of the project for deposit to the revolving loan fund;

(2) To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

a. Any sewer or waste disposal service fee or charge;

b. Any licenses, permits, taxes and fees;

c. Any special assessment on the property drained, served or benefitted by the project; and

d. Other revenue available to the public body.

(3) To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subdivision (2) above, or to impose upon itself a general obligation pledge to the authority additionally secured by a pledge of any one or more of such sources;

(4) To obligate itself to continue to levy and collect such revenues, fees and charges as shall equal not less than 110 percent nor more than 125 percent, as determined by the authority of the maximum principal and interest maturing and coming due in any one year on the bonds issued by the authority to fund a loan for the project; and

(5) To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the authority to fund a loan to the public body to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall begin not later than one year after completion of construction of the project for which such loan was made and shall be repaid in full no later than 20 years after completion of such construction.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 12. The state treasurer may invest any idle or surplus moneys of the state in bonds of the authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in bonds of the authority. Such bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 15. All bonds or other indebtedness of the authority and the coupons applicable thereto and the income therefrom and all projects or parts thereof and all assets of the authority shall be forever exempt from any and all taxation in the state.

Section 16. All securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or

limiting interest rates, including, but without limitation, the provisions of chapter 8 of Title 8, Code of Alabama 1975.

Section 17. This act is intended to aid the state through the furtherance of its purposes by providing an approprite and independent instrumentality of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority, the purchase of any loans or the making of any loan to a public body, the issuance of any bonds, or the exercise of any other of its powers by the authority.

Section 18. All bonds issued by the authority, while registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the authority, while the applicable bonds are registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 19. All bonds, notes and certificates issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges which may pursuant to the provisions of this act, be pledged to the payment thereof, and no such bonds, notes or certificates shall create an obligation or debt of the state. Provided, however, that an agreement by the authority to make a loan to a public body for a project shall impose an obligation on the state to make such loan from any funds which are then or may thereafter become available regardless of the funding of the loan by the public body and subject only to any terms and conditions set forth in such agreement.

Section 20. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this act are hereby repealed.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 9:30 A.M.

Act No. 87-227 S. 3—Senator Amari

AN ACT

Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement

system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Be It Enacted by the Legislature of Alabama:

Section 1. In all Class 1 municipalities, notwithstanding any provision to the contrary in any section of Article VI of Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, any benefit payable on a monthly basis to a participant or retiree under Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, shall not be of an amount less than $400 per month, and any survivor's or spouse's benefit payable on a monthly basis shall not be of an amount less than $160 per month.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-228 S. 261—Senator Foshee

AN ACT

Relating to the 12th Judicial Circuit; to increase a certain fee authorized by Section 12-17-224 of the Code of Alabama 1975, which is collected by the special services division of the district attorney's office; to authorize said special services division to collect up to a certain amount to be distributed to the person who receives a worthless check and to provide for the expenditure of the proceeds from said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In the 12th Judicial Circuit the fee authorized by Section 12-17-224, Code of Alabama 1975, to be collected by the special services division of the district attorney's office shall be $50.00. This fee shall be distributed by said division as follows: The amount collected by both counties of said circuit each month shall be totaled and 30% of said total shall be divided equally between said counties and shall be used for judicial compensation, prosecutor compensation or other law enforcement purposes; 70% of the total shall be retained

by the district attorney and may be used for law enforcement purposes and any other expenses of the district attorney's office as determined by the district attorney.

Section 2. In the 12th Judicial Circuit the special services division of the district attorney's office is authorized to collect up to $10 for each worthless check said division accepts by the person who wrote or negotiated said check and said fee shall be paid to the person who received said worthless check.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-229 S. 262—Senator Foshee

AN ACT

Relating to the Twelfth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said circuit to be paid from county funds on a share and share alike basis by the counties comprising said circuit; prescribing a certain formula for increases in such salary supplements and prescribing certain procedures and conditions relating to the payment of such supplements.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the first month next following the effective date of this act, the circuit judges and district attorney of the Twelfth Judicial Circuit shall each receive a local salary supplement in the amount of $1,170.00 per month to be paid on a share and share alike basis from county funds belonging to the two counties comprising said circuit.

Section 2. Commencing October 1, 1988, and on the first day of October of the years 1989, 1990, 1991 and 1992, the circuit judges and the district attorney of the Twelfth Judicial Circuit shall each be entitled to receive an annual increase in local salary supplement in an amount equal to 2% of the total amount of any state salary plus any local salary supplement that each circuit judge is receiving

on the first day of the aforementioned fiscal years. Such local salary supplements shall be paid on a share and share alike basis from county funds belonging to the counties comprising said circuit. Provided, however, that in any year that funds generated to the counties general fund from the Worthless Check Fees shall be terminated for any reason, or the amount generated the previous year is not sufficient to cover a 2% increase, then under those standards, a county governing body of either of the two counties in said circuit is hereby authorized and empowered to either delay for a time certain or totally nullify an increase in any local salary supplement, as provided herein, by duly adopting and spreading upon its minutes a resolution stating its intent to so delay or nullify such increase. Provided further, that such judges and the district attorney shall not be entitled to receive more than one local salary supplement increase, as herein provided, during the fiscal year regardless of any portion or the whole of any local salary supplement increase that may have been delayed or nullified by appropriate aforementioned action by a county governing body. The total amount of any local salary supplements for such judges and the district attorney that is in effect on October 1, 1993, shall remain operative until the legislature provides further for such local supplements.

Section 3. All local salary supplements and any increases therein provided by this act for the judges and district attorney of the Twelfth Judicial Circuit shall be in lieu of any local salary supplements heretofore provided by law for such judges and district attorney.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-230 S. 189—Senators Foshee, Bedford, Goodwin, Drinkard, Menton, Corbett, Bishop, Hand, Rice, Horn, Bennett, Cabaniss, Denton, Hale, Campbell, Langford, Figures, Smith (B),

Barron, Sanders, Hilliard, Dixon,
Preuitt and Ellis

AN ACT

To amend Section 40-17-132, Code of Alabama 1975, relating to reduction of rate of taxation on gasohol, so as to reduce further the amount of excise tax on gasohol so that the reduced rate will expire on December 31, 1988; and to repeal, effective December 31, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, relating to such reduced rate of taxation on gasohol.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-132, Code of Alabama 1975, is hereby amended to read as follows:

"§40-17-132.

"(a) Notwithstanding the other provisions of this chapter, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. The reduced rate of taxation granted by this section for gasohol shall also apply to gasohol manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol manufactured or distilled within the state of Alabama. For all other purposes other than the amount of excise tax, the term 'gasohol' shall be included within the term 'gasoline' as defined in section 40-17-30.

"(b) Effective July 1, 1987, the amount of excise tax on gasohol provided for in subsection (a) of this section shall be reduced to two cents per gallon less than gasoline.

"(c) Effective October 1, 1987, the amount of excise tax on gasohol provided for in subsection (b) of this section shall be reduced to one cent per gallon less than gasoline.

"(d) Effective December 31, 1988, the reduced rate of taxation granted by this section for gasohol shall terminate."

Section 2. Effective December 31, 1988, Sections 40-17-130, 40-17-131, 40-17-132 and 40-17-133, Code of Alabama 1975, which relate to reduction of rate of taxation on gasohol are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1987

Time: 3:40 P.M.

Act No. 87-231 H.J.R. 213—Reps. Marietta and Harper

HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY WITH RESPECT TO OIL AND GAS DEVELOPMENT ACTIVITIES IN ALABAMA'S COASTAL WATERS.

Act No. 83-609 approved on July 28, 1983 is as follows:

"EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U.S. Government acreage; and

WHEREAS, forthy years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with, but no more stringent than, existing federal offshore environmental regulations.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department

of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area."

AND WHEREAS, On May 21, 1987 there still exists a question with respect to Alabama's Oil and Gas Development Policy as evidenced at the Alabama Environmental Management Commission's May 20, 1987 Hearing on a discharge permit.

AND WHEREAS, The Alabama Legislature reaffirms its commitment to timely development of the state's energy resources consistent with sound and stable environmental practices.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That ADEM proceed with urgency to resolve this issue in concert with the expressed intent of the Alabama Legislature as evidenced in Act 83-609.

BE IT FURTHER RESOLVED, That it is the legislative intent of the term offshore to mean exclusively that territory lying South of the barrier islands and specifically excluding the lands located in the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Arnica Bay, Bay La Launch and Perdido Bay.

BE IT FURTHER RESOLVED, That it is the intent of this resolution that it apply to permits currently pending before the Alabama Department of Environmental Mangegment.

Approved June 19, 1987

Time: 1:45 P.M.

Act No. 87-232 H.J.R. 242—Reps. Butler, Hall, Freeman, Brooks, Grayson and Hettinger

HOUSE JOINT RESOLUTION

COMMENDING THE BOEING COMPANY ON ITS 25TH ANNIVERSARY IN ALABAMA AND ITS MAJOR ROLE IN AMERICA'S SPACE PROGRAM.

WHEREAS, the Boeing Company, one of the premier aerospace companies in the country, is celebrating its 25th anniversary in Alabama during 1987; and

WHEREAS, Boeing's Alabama heritage was established in Huntsville in 1962, to support the National Aeronautics and Space Administration in meeting our nation's goal of extending man's reach to space and the moon; and

WHEREAS, among the company's contributions to this great challenge were the Boeing-built Saturn V booster rockets which propelled our astronauts to the moon and performed flawlessly on all 13 Apollo launches; and

WHEREAS, the Lunar Rover moon buggy, another element of the Apollo program, also was designed and built by Boeing and it, too, worked perfectly from its first "test drive" to its final Apollo 17 journey; and

WHEREAS, today, Boeing has a diverse business base in Alabama which spans space, defense, communication and computing service projects headquartered at the company's new technology complex in Huntsville which covers over one-half million square feet and represents an investment in excess of $50 million; and,

WHEREAS, since 1984, Boeing has been the fastest growing company in the state, adding over 1300 new jobs for a total employment of more than 2100 people in Alabama, with a 1986 payroll exceeding $62 million; and

WHEREAS, America's next step into space is NASA'S proposed space station, a permanently manned laboratory and manufacturing facility that will open the door for opportunities to commercialize and explore space, and Boeing is competing for the opportunity to design and build the common module portions of this project; and

WHEREAS, if successful, Boeing's commitment to Alabama would bring hundreds of additional jobs to the state, and put Alabama at the center of future commercialization and exploration of space; and

WHEREAS, the State of Alabama, in recognizing the significance of the space station project and its economic and scientific impact on our nation and the world, fully endorses and supports Boeing's efforts to play a major role in the program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express inordinate pride in Boeing's accomplishments in Alabama and are happy to have had this outstanding aerospace company as a corporate citizen for over 25 years; we deeply appreciate the commitment Boeing has made to the state and applaud its contributions to our nation's space and defense programs.

BE IT FURTHER RESOLVED, That on behalf of the entire State of Alabama, we wish Boeing every success in its attempts to

grow in our state; we look forward to a long, productive partnership, and to a hope of American space station modules stamped, "Made in Alabama."

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-233 H.J.R. 244—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING THE INTERNATIONAL SILVER STICK HOCKEY ASSOCIATION IN ITS 25th YEAR OF SERVICE.

WHEREAS, the International Silver Stick Hockey Association was founded and incorporated in May 1963, after having sponsored the first Silver Stick International Hockey Tournament in Port Huron, Michigan; and

WHEREAS, the idea of the International Silver Stick Hockey Tournament was first conceived by Mr. Jack J. Kinsella, of Ottawa, Ontario, Canada, a former Canadian Featherweight Boxing Champion, as a means of promoting citizenship and international good will between hockey players of the Ottawa, Ontario, Canada, area and those hockey players of the New York State area; and

WHEREAS, from its beginning at that first International Silver Stick Hockey Finals in January 1963, the Silver Stick Hockey Tournament program has expanded to a program of international scope, encompassing hockey programs from much of Ontairo, the Northeastern United States, and Huntsville, Alabama; with in excess of twenty regional tournaments held under its auspices annually, including the Howard E. Radford Memorial Regional Tournament held in Huntsville, Alabama, with the winners of those tournaments competing in the annual Silver Stick Hockey Finals held in Port Huron and St. Clair Shores, Michigan and Sarnia and Mooretown, Ontario, hosting youth from all parts of the United States and Canada, the association thus annually fulfills its commitment to the promotion of international good will, not only among the young people of the United States and Canada, but also among their parents; and

WHEREAS, the board of directors meeting of the International Silver Stick Hockey Association, Inc., will be held in Huntsville, Alabama, on June 4, 5 and 6, 1987, the Twenty-Fifth Annual such meeting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby

extend to the International Silver Stick Hockey Association, Inc., our congratulations on twenty-five years of service to the ideals of international good will between the people of the United States and Canada, and extend to the board of directors of the International Silver Stick Hockey Association, Inc., our sincere best wishes for the continued success of the association.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the board of directors at their annual meeting.

Approved June 22, 1987

Time 1:55 P.M.

Act No. 87-234 H.J.R. 251—Rep Ford

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WAYNE ROBINSON OF ETOWAH COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of Wayne Robinson of Etowah County, Alabama, on May 30, 1987, at the age of just 49 years; and

WHEREAS, a football coach for 23 years, Wayne Robinson coached at Etowah County's West End High School for 18 years, serving as Head Coach for the past ten years of this outstanding tenure; and

WHEREAS, Wayne Robinson was truly one of our state's most talented and dedicated high school coaches; he was named Etowah County Coach of the Year on six occasions, was a former coach for the 2A All-Stars in Tuscaloosa and had carried four different teams to the State Playoffs; and

WHEREAS, the death of Wayne Robinson has indeed left a deep void in the community, in the hearts of his beloved family, and in the lives of the many young athletes whom he served through the years as coach, mentor and friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Wayne Robinson of Etowah County, Alabama, and extend deepest sympathy to his wife, Mrs. Wynelle Robinson; to his daughter, Wendy; sons, Lance and Cody; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to West End High School for the purpose of appropriate display and in commemoration of the life and service of Coach Wayne Robinson.

Approved June 22, 1987

Time 1:55 P.M.

Act No. 87-235 H.J.R. 261—Reps. McKee, Mikell, Walker, Holmes, Hooper and Buskey (JL)

HOUSE JOINT RESOLUTION

COMMENDING COACH DAROLD DUNLAVY AND THE AUBURN UNIVERSITY AT MONTGOMERY SENATORS ON THEIR NAIA NATIONAL MEN'S TENNIS CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in great personal pride, congratulates Coach Darold Dunlavy and the Auburn University at Montgomery Senators on the 1987 NAIA National Men's Tennis Championship; and

WHEREAS, an acknowledged power in NAIA tennis for the past five years and finishing third in last year's national tournament, Auburn University's 1986-87 team posted an 18-4 record in winning this year's title while racking-up additional honors, as well; and

WHEREAS, in the tournament, the AUM Senators boasted two single finalists, Daryl Shapiro and Jeff Skeldon; three All-Americans, Mark Greeff, Daryl Shapiro and Jeff Skeldon; and outstanding tournament player Jeff Skeldon who won the honor from among 249 competing players; and

WHEREAS, we are indeed justly proud of Coach Dunlavy and the AUM Senators who have brought great honor to their university and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as NAIA National Men's Tennis Champions, we hereby most highly commend the Auburn University at Montgomery Senators and direct that copies of this resolution be forwarded to Coach Darold Dunlavy for appropriate presentation and display at AUM.

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-236 H.J.R. 263—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION'S ASHLAND SEWING PLANT.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the achievement by the Russell Corporation's Ashland Sewing Plant of OSHA Star status, a distinguished recognition conferred by the U. S. Department of Labor; and

WHEREAS, "OSHA Star" is one of three and the highest option of the Voluntary Protection Programs authorized by the U. S. Occupational Safety and Health Act for the purpose of emphasizing the importance, encouraging the improvement and recognizing the excellence of employer-provided and on-going safety and health programs that have achieved a three-year injury incidence rating at or below the national average; and

WHEREAS, the Star program was specifically designed for companies in high hazard indutries and it is with great pride that we view the honor of the Russell Corporation's selection as Alabama's first industry and the nation's only textile and apparel company to receive OSHA Star status for its eligible plants such as the Ashland Sewing Plant; and

WHEREAS, we note, however, that the intent of OSHA's VPP is entirely in keeping with the Russell Corporation's long-standing goals and its traditional concept as an employee-oriented company; through recognition, therefore, of outstanding safety and health performance, as established by rigorous on-site assessment criteria and through approval and acceptance by the Department of Labor, the Ashland Sewing Plant indeed merits highest praise for achievement attained through the plant's team effort toward common and mutually benficial goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby commend the Russell Corporation's Ashland Sewing Plant, its manager and employees, and do further direct that a copy of this resolution be presented to plant manager, Mr. Robert Crist, for appropriate in-plant display.

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-237 H.J.R. 241—Rep. Seibels

HOUSE JOINT RESOLUTION

COMMENDING THE 117TH TACTICAL RECONNAISSANCE WING OF THE AIR NATIONAL GUARD, BIRMINGHAM, ALABAMA.

WHEREAS, the National Guard is a vital link in our nation's chain of defense, a vast network of thoroughly trained and experienced military professionals who stand ready to respond instantly to a national or civil emergency and to disruptions of peace; and

WHEREAS, it is therefore with great personal pride that we note the recognition accorded Birmingham's 117th Tactical Reconnaissance Wing of the Air National Guard; and

WHEREAS, during the recent Operational Readiness Inspection, a triennial event, at Gulfport, Mississippi, the 117th Wing was rated superior overall, a designation that acknowledges the Wing as one of the most outstanding reconnaissance units in the Air National Guard and among the finest in the world; and

WHEREAS, the inspection, which involved 868 Guard members, including ground support personnel and flight crews, was made during five days of simulated battle in and near Gulfport, Mississippi, and during which period the unit was required to demonstrate its ability to carry out its reconnaissance mission in the event of war; and

WHEREAS, the 117th TRW's low-flying RF-4C Phantom jets are already a familiar sight throughout Alabama; henceforth, however, as they streak through the skies, we shall be reminded that these sleek, sharpnosed jets belong to Alabama's 117th TRW, one of the finest Guard units in the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the commander, General Cecil Greene, the flight crews and all ground support personnel of the 117th Tactical Reconnaissance Wing of the Air National Guard, Birmingham, Alabama.

BE IT FURTHER RESOLVED, That in public acknowledgement of our gratitude for their defense of our freedom and peace, a copy of this resolution shall be presented to General Greene on behalf of his command.

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-238 H.J.R. 270—Rep. Johnson (RG)

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION'S SYLACAUGA SEWING PLANT.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the achievement by the Russell Corporation's Sylacauga Sewing Plant of OSHA Star status, a distinguished recognition conferred by the U.S. Department of Labor; and

WHEREAS, "OSHA Star" is one of three and the highest option of the Voluntary Protection Programs authorized by the U.S. Occupational Safety and Health Act for the purpose of emphasizing the importance, encouraging the improvement and recognizing the excellence of employer-provided and on-going safety and health progams that have achieved a three-year injury incidence rating at or below the national average; and

WHEREAS, the Star program was specifically designed for companies in high hazard industries and it is with great pride that we view the honor of the Russell Corporation's selection as Alabama's first industry and the nation's only textile and apparel company to receive OSHA Star status for its eligible plants such as the Sylacauga Sewing Plant; and

WHEREAS, we note, however, that the intent of OSHA's VPP is entirely in keeping with the Russell Corporation's long-standing goals and its traditional concept as an employee-oriented company; through recognition, therefore, of outstanding safety and health performance, as established by rigorous on-site assessment criteria and through approval and acceptance by the Department of Labor, the Sylacauga Sewing Plant indeed merits highest praise for achievement attained through the plant's team effort toward common and mutually beneficial goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby commend the Russell Corporation's Sylacauga Sewing Plant, its manager and employees, and do further direct that a copy of this resolution be presented to plant manager, Mr. Bill Owing, for appropriate in-plant display.

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-239 H.J.R. 272—Reps. Hooper and Walker

HOUSE JOINT RESOLUTION

COMMENDING COACH BUBBA LEWIS AND MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL VOLUNTEERS ON THE 1987 STATE CLASS 6A BASEBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, congratulates Head Coach Bubba Lewis and his Jefferson Davis High School Volunteers on their 1987 Class 6A State Baseball Championship; and

WHEREAS, following their Championship victory on May 15, 1987, in Birmingham, the J.D. Volunteers returned to our Capital City in triumph, along with Coach Lewis and Assistant Coach Don Brewer who had led their team to a fantastic 31-8 season record; and

WHEREAS, to be commended for their dedicated efforts, both individually and as a team, are Volunteers John Payne, Chet Shonk, Guy Buice, Jeff Crane, Jeff Mackin, Brett Bell, Claude Moody, Darrell McCain, David Williams, Willie Wilkerson, Chad Mason, Tim Miller, Dennis Veronese, Kenny Jackson, Craig Williams, Noel Johnson, Mike Goins, Craig Greer, Bo Daffin, Richard Moncrief, Eddy Brown, Jeff Lewis, Phillip Pearson, Robby Robinson and Bubba McCall; also bat girls Susan Eskew, Dawn Nelson, Paige Lewis, Mary Schrier and Susan Wilkerson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Volunteers of Montgomery's Jefferson Davis High School, State 6A Baseball Champions, and direct that copies of this resolution be forwarded to Coach Lewis and to Principal Thomas Richard Head for appropriate presentation and school display.

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-240 H.J.R. 273—Reps. Zoghby, Kennedy, Turner, Marietta, Kvalheim, Gaston,

Clark (W), Box, Buskey (JE)
and Harper

HOUSE JOINT RESOLUTION

COMMENDING MOBILE'S MURPHY HIGH SCHOOL ON ITS SELECTION AS A PRESIDENT'S MODEL SCHOOL.

WHEREAS, the recent designation of Mobile's Murphy High School as a President's Model School is an outstanding honor and an accomplishment in which we are justly proud; and

WHEREAS, to receive such singular recognition, Murphy High School underwent an extensive evaluation process, beginning with its January 1987 selection as one of 360 schools, nationwide, to be reviewed and considered for the award; and

WHEREAS, an on-site survey team representing the United States Department of Education and the department's Model Secondary School Recognition Program, critiqued all aspects of the Murphy High School such as its instructional program, discipline, physical facilities and the environment in which students are taught; the review also extended to include interviews with faculty and staff, students, parents and others in the community; and

WHEREAS, in its final selection, Murphy High School shares the prestige of the President's Model School Award with only 110 other secondary schools in the country; and

WHEREAS, Murphy High School has an enrollment of some 2800 students and a faculty and staff of about 180, all of whom deservedly share the credit and the glory of this outstanding national honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement, we hereby commend the students, faculty, staff and parents of Murphy High School, Mobile, Alabama, and direct that a copy of this resolution be provided for presentation and display at Alabama's President's Model School.

Approved June 22, 1987

Time: 1:55 P.M.

Act No. 87-241 H.J.R. 275—Rep. Venable

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION'S COOSA YARN PLANT.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the achievement by the Russell Corporation's Coosa Yarn Plant of OSHA Star status, a distinguished recognition conferred by the U.S. Department of Labor; and

WHEREAS, "OSHA Star" is one of three and the highest option of the Voluntary Protection Programs authorized by the U.S. Occupational Safety and Health Act for the purpose of emphasizing the importance, encouraging the improvement and recognizing the excellence of employer-provided and on-going safety and health programs that have achieved a three-year injury incidence rating at or below the national average; and

WHEREAS, the Star program was specifically designed for companies in high hazard industries and it is with great pride that we view the honor of the Russell Corporation's selection as Alabama's first industry and the nation's only textile and apparel company to receive OSHA Star status for its eligible plants such as the Coosa Yarn Plant; and

WHEREAS, we note, however, that the intent of OSHA's VPP is entirely in keeping with the Russell Corporation's long-standing goals and its traditional concept as an employee-oriented company; through recognition, therefore, of outstanding safety and health performance, as established by rigorous on-site assessment criteria and through approval and acceptance by the Department of Labor, the Coosa Yarn Plant indeed merits highest praise for achievement attained through the plant's team effort toward common and mutually beneficial goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby commend the Russell Corporation's Coosa Yarn Plant, its manager and employees, and do further direct that a copy of this resolution be presented to plant manager, Mr. Don Meadows, for appropriate in-plant display.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-242 H.J.R. 276—Rep. Venable

HOUSE JOINT RESOLUTION

CONGRATULATING COACH RONNIE BAYNES AND THE TALLASSEE HIGH SCHOOL TIGERS ON THEIR 1987 STATE CLASS 4A BASEBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, congratulates Head Coach Ronnie Baynes and Tallassee High School on the 1987 State 4A Baseball Championship, the Tigers' second consecutive State Title; and

WHEREAS, the Tallassee Tigers, under Coach Baynes and Assistant Coaches Tom Jones, Jim Harwick and Jerry Smith, went 24-3 before heading to the State 4A finals and, with a phenomenal 26-4 posted in the record book, claimed a berth in the AHSAA best-of-three championship series over the Litchfield Eagles; and

WHEREAS, the rest was history as the Tigers rallied from a first-game 9-6 loss to take the last two decisive victories over the Eagles, shutting them out 11-0 in game two and taking a big 14-6 win in the third and final game; and

WHEREAS, the Tallassee Champions are seniors Will Solomon, Michael Chandler, Gavin Faughender, Jay Turner, Brad Pemberton, Jeff Burton and Brad Snell; juniors Ricky Fergerson, Tommy Wisener, Matt Wilbanks, Jonathon Johns, Cliff Jones, Rusty Baynes and Mark Baynes; sophomores Charles Redden, Mike Segrest, Lee Burton, Herb Golden and John Stonaker; and freshmen Mark Segrest, Chad Vance, Chris Gregory, Tommy Ray, Joe Hall, Alfred Rivers, Pat Patterson and Jerri Goodman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Tallassee High School Tigers as our State 4A Baseball Champions and direct that copies of this resolution be provided for Coach Baynes for appropriate presentation and school display.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-243 H.J.R. 278—Rep. Marietta

HOUSE JOINT RESOLUTION

HONORING JAMICE MAZZARELLA AS "LEGAL SECRETARY OF THE YEAR 1987."

WHEREAS, the Legislature of Alabama notes the selection of Jamice Mazzarella of Mobile, Alabama, as "Legal Secretary of the Year 1987," a prestigious honor of the Mobile Legal Secretaries Association in recognition of Ms. Mazzarella's achievement and professional contributions; and

WHEREAS, Ms. Mazzarella, who has worked as a legal secretary in her native city since 1980, also is a paralegal, having received said certification in 1981 at the University of South Alabama; she further has served the legal profession in a number of leadership capacities including the chairmanship, for two terms, of the Lawyer of the Year Committee; and

WHEREAS, she also has served as NALS representative and governor and, this year, was chairman of the Legal Secretary of the Year Committee; and

WHEREAS, Jamice Mazzarella additionally is a former member of the Mobile Opera Guild, is active with the Salvation Army Women Alcoholics Program and has participated in several fund-raising projects including the 1975 High Fever Follies for the USAMC Cardiac Wing and the 1976 Camp Cullen Capers for the benefit of Camp Cullen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and community service, we hereby commend Legal Secretary of the Year, Jamice Mazzarella of Mobile, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-244 H.J.R. 279—Rep. White (L)

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION'S ALEXANDER CITY YARN DYE PLANT.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the achievement by the Russell Corporation's Alexander City Yarn Dye Plant of OSHA Star status, a distinguished recognition conferred by the U.S. Department of Labor; and

WHEREAS, "OSHA Star" is one of three and the highest option of the Voluntary Protection Programs authorized by the U.S. Occupational Safety and Health Act for the purpose of emphasizing the importance, encouraging the improvement and recognizing the excellence of employer-provided and on-going safety and health programs that have achieved a three-year injury incidence rating at or below the national average; and

WHEREAS, the Star program was specifically designed for companies in high hazard industries and it is with great pride that we view the honor of the Russell Corporation's selection as Alabama's first industry and the nation's only textile and apparel company to receive OSHA Star status for its eligible plants such as the Alexander City Yarn Dye Plant; and

WHEREAS, we note, however, that the intent of OSHA's VPP is entirely in keeping with the Russell Corporation's long-standing goals and its traditional concept as an employee-oriented company; through recognition, therefore, of outstanding safety and health performance, as established by rigorous on-site assessment criteria and through approval and acceptance by the Department of Labor, the Alexander City Yarn Dye Plant indeed merits highest praise for achievement attained through the plant's team effort toward common and mutually beneficial goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby commend the Russell Corporation's Alexander City Yarn Dye Plant, its manager and employees, and do further direct that a copy of this resolution be presented to plant manager, Mr. James Vickers, for appropriate in-plant display.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-245 H.J.R. 282—Rep. White (L)

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION OF ALEXANDER CITY, ALABAMA.

WHEREAS, the Alabama Legislature, in consensus of highest commendtion, notes the designation of OSHA Star status conferred by the U.S. Department of Labor on the five Russell Corporation plants eligible for this distinguished recognition; and

WHEREAS, "OSHA Star" is one of three and the highest option of the Voluntary Protection Programs authorized by the U.S. Occupational Safety and Health Act for the purpose of emphasizing the importance, encouraging the improvement and recognizing the excellence of employer-provided and on-going safety and health programs that have achieved a three-year injury incidence rating at or below the national average; and

WHEREAS, open to any industry on a volunteer basis, Star was specifically designed for companies in high hazard industries and it is with great pride that we view the honor of the Russell Corporation's selection as Alabama's first industry and the nation's only textile and apparel company to receive OSHA Star status; and

WHEREAS, we note, however, that the intent of OSHA's VPP is entirely in keeping with the Russell Corporation's long-standing goals and its traditional concept as an employee-oriented company; through recognition, therefore, of outstanding safety and health performance, as established by rigorous on-site assessment criteria and through approval and acceptance by the Department of Labor, the corporation indeed merits highest praise for achievement attained through its plants' team efforts toward common and mutually beneficial goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby commend the Russell Corporation of Alexander City, Alabama, its Star status plants, managers and employees, and do further direct that a copy of this resolution be provided for appropriate presentation and for display by said corporation.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-246 H.J.R. 283—Rep. White (L)

HOUSE JOINT RESOLUTION

COMMENDING THE RUSSELL CORPORATION'S ALEXANDER CITY NUMBER FOUR YARN PLANT.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the achievement by the Russell Corporation's Alexander City Number Four Yarn Plant of OSHA Star status, a distinguished recognition conferred by the U.S. Department of Labor; and

WHEREAS, "OSHA Star" is one of three and the highest option of the Voluntary Protection Programs authorized by the U.S. Occupational Safety and Health Act for the purpose of emphasizing the importance, encouraging the improvement and recognizing the excellence of employer-provided and on-going safety and health programs that have achieved a three-year injury incidence rating at or below the national average; and

WHEREAS, the Star program was specifically designed for companies in high hazard industries and it is with great pride that we view the honor of the Russell Corporation's selection as Alabama's first industry and the nation's only textile and apparel company to receive OSHA Star status for its eligible plants such as the Alexander City Number Four Yarn Plant; and

WHEREAS, we note, however, that the intent of OSHA's VPP is entirely in keeping with the Russell Corporation's long-standing goals and its traditional concept as an employee-oriented company; through recognition, therefore, of outstanding safety and health performance, as established by rigorous on-site assessment criteria and through approval and acceptance by the Department of Labor, the Alexander City Number Four Yarn Plant indeed merits highest praise for achievement attained through the plant's team effort toward common and mutually beneficial goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, we hereby commend the Russell Corporation's Alexander City Number Four Yarn Plant, its manager and employees, and do further direct that a copy of this resolution be presented to plant manager, Mr. Mike Funderburke, for appropriate in-plant display.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-247 H.J.R. 285—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING THE PELL CITY RED SOX ON THEIR OUTSTANDING 1987 BASEBALL SEASON.

WHEREAS, the Pell City Red Sox of the Bronco Baseball League for eleven and twelve-year-old boys is an outstanding team of talented young athletes under the leadership of Head Coach Jim Reece and Assistant Coaches Larry Rich and Bobby Burton; and

WHEREAS, during the 1987 season, the Red Sox posted a phenomenal record, concluding the year as champions of the Bronco League; and

WHEREAS, to be most highly commended for this fine season, in addition to Coaches Reece, Rich and Burton, are the Red Sox Champions Sonny Echols, Josh Harmon, Doug Haynes, Dewey Isbell,

Blake Nixon, Jim Reece, David Rich, Earl Rich, Drew Roe, Jered St. John, Kenny Thornton and Gene Webster; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and congratulate the Pell City Red Sox on their capture of the 1987 Bronco League Baseball Championship and do further direct that copies of this commendatory resolution be forwarded to Coach Reece, on behalf of his staff and the entire team.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-248 H.J.R. 292—Reps. Kennedy, Buskey (JE), Gaston, Marietta and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING WILLIE F. TAYLOR ON HIS DISTINGUISHED CAREER.

WHEREAS, it is with highest honor and esteem that the Alabama Legislature recounts the accomplishments of Willie F. Taylor of Mobile, Alabama, as a distinguished educator for 38 years; and

WHEREAS, a native of Benham, Kentucky, and a graduate of Benham High School, Mr. Taylor attended Knoxville College in Knoxville, Tennessee, for a short period of time and until his call to duty in the United States Army Air Corps during World War II; and

WHEREAS, Mr. Taylor, upon honorable discharge from the military in 1945, returned to Knoxville College, continuing in attendance to earn the Bachelor of Science degree in biological science; he subsequently enrolled in the Graduate School of Atlanta University, later transferring to Tuskegee University where he received the Master of Science degree in biology, and he also completed advance studies at Antioch College and at Harvard University; and

WHEREAS, in embarking upon his career in education, Mr. Taylor served in seriatim as teacher, administrator and coach in Greenville, Tennessee, and in Selma, Alabama, where he last served for two years as teacher/coach at Hudson High School before joining the Mobile County Public School System; and

WHEREAS, Mr. Taylor's tenure with the Mobile Schools included employment at Mobile County Training School, Southside

Junior High School as assistant principal, and at Central High, ending his association with the Mobile System as principal of George Hall Elementary School; and

WHEREAS, then, in 1969, S. D. Bishop State Junior College in Mobile was favored with Mr. Taylor's outstanding talent, ability and expertise through his acceptance of a position as instructor of biology; in 1971, he was appointed director of student personnel, and to so serve until his retirement, effective July 1, 1987; and

WHEREAS, while at Bishop State, and among numerous other contributions, Mr. Taylor also served as the college's official representative with the Gulf Regional Interstate Collegiate Consortium; and

WHEREAS, we note further, however, that in addition to professional involvement, Mr. Taylor is a highly commendable community servant and is most particularly active in the affairs of Big Zion A.M.E. Zion Church where he serves as chairman of the Board of Trustees and is a member of the Chancel Choir; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary service in the educational arena for 38 years, and in gratitude for dedication to his profession, we hereby commend Willie F. Taylor of Mobile, Alabama.

BE IT FURTHER RESOLVED, That on the occasion of Retirement Honor at Bishop State Junior College, a copy of this resolution shall be presented to Mr. Taylor that he and his wife of 42 years, the former Miss Doris Collins, their daughter and three sons may know of our sincere regard and appreciaton of his distinguished service.

Approved June 22, 1987

Time: 2:10 P.M.

Act No. 87-249 H.J.R. 294—Rep. Bryant

HOUSE JOINT RESOLUTION

COMMENDING AMANDA McKINNEY OF GREENSBORO, ALABAMA, FOR DISTINGUISHED ACADEMIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most heartily congratulates Amanda McKinney of Greensboro, Alabama, as second place

winner in the National Journalism Contest, Denver, Colorado, at the National Conference of the President's Committee on Employment of the Handicapped; and

WHEREAS, young Amanda McKinney, daughter of Mr. and Mrs. George McKinney, is a sixteen-year-old junior at the Greensboro Public School West Campus, and is the second consecutive Greensboro student to place first in the annual State Journalism Contest and to serve as Alabama's representative on the national level; and

WHEREAS, Miss McKinney, whose English teacher is Mrs. Ellen Britton, also was awarded a $2,500 scholarship as a result of placing second in the National Journalism Contest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Amanda McKinney of Greensboro, Alabama, for outstanding achievement, and do further direct that she receive a copy of this resolution, executed in sincere praise of her accomplishment and in highest personal regard.

Approved June 22, 1987

Time: 2:40 P.M.

Act No. 87-250 H.J.R. 295—Reps. Blakeney and Ford

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA NATIONAL GUARD'S 151ST ARMY BAND.

WHEREAS, the Legislature of Alabama, in great personal pride, commends the Alabama National Guard's 151st Army Band for outstanding performance on numerous official occasions throughout the State of Alabama; and

WHEREAS, this distinguished group of extraordinarily talented musicians, under the direction of Chief Warrant Officer Roy R. Gavin, Commander, has played for the Inauguration of three different Alabama Governors and has also performed for many other state functions in Alabama; and

WHEREAS, members of the 151st Army Band, in response to demands for appearances, often are required to travel great distances as the membership is comprised of residents of the States of Georgia and Louisiana, as well as Alabama; time away from their jobs also is required and it is with great sacrifice that these outstanding

musicians continue to serve the band with such great distinction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and achievement, we hereby commend Chief Warrant Officer Roy R. Gavin and the 151st Army Band, and do further direct that copies of this resolution be provided for appropriate presentation to the band.

Approved June 22, 1987

Time: 2:40 P.M.

Act No. 87-251 H.J.R. 290—Rep. Turnham

HOUSE JOINT RESOLUTION

HONORING DR. HARRY E. FRANK, ON HIS DISTINGUISHED TENURE WITH AUBURN UNIVERSITY, AUBURN, ALABAMA.

WHEREAS, it is with sincere praise and regard that the Alabama Legislature notes the distinguished 19 year tenure of Dr. Harry E. Frank in vocational and adult education at Auburn University during a career spanning forty years; and

WHEREAS, Dr. Frank received his B.A. degree from Oklahoma A & M College and his M.S. degree from Oklahoma State University, and his ED.D. from Florida State University; and

WHEREAS, Dr. Frank joined the faculty at Auburn University in 1968 and has served with distinction as Assistant and Associate Professor in Vocational and Adult Education and his 19 years of dedicated teaching and research have earned him the respect and high esteem of his students, the faculty and administration of Auburn University, and his colleagues throughout the State and nation; and

WHEREAS, Dr. Frank indeed has provided valuable leadership and service in the field of vocational and adult education and has been appointed or elected to many prestigious, professional committees, associations, and commissions related to the evaluation and competency of his profession, including Alabama Coordinator for Coalition of Consumer Education, state representative at the White House; and he has been active in many regional and National Conferences related to consumer education, and adult and vocational education; and

WHEREAS, Dr. Frank has achieved many honors and recognition for his scholarly activities and presentations and has demonstrated his vision and acumen, as a member of the Commission on Professors of Adult Education Membership Committee, and has touched the lives of many outstanding vocational and adult educators throughout the state as founder, in 1970, of the Alabama Association for Public Continuing Adult Education; and

WHEREAS, Dr. Harry E. Frank is capping a long and dedicated career in vocational and adult education at Auburn University, from which he is retiring June 15, 1987, and it is therefore appropriate and desirable that he be recognized for his many outstanding contributions which have earned him the respect and esteem of many; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service in adult and vocational education in the State of Alabama and to Auburn University, we hereby most highly commend Dr. Harry E. Frank and express our best wishes for every success in the future and well-earned happiness in retirement.

RESOLVED FURTHER, That we do hereby send a copy of this resolution to Dr. Frank so that he may know of our wishes and high praise.

Approved June 22, 1987

Time: 2:40 P.M.

Act No. 87-252 H. 102—Rep. Carter

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the Limestone County Commission to dispose of dead animals and excavate human graves.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The Limestone County Commission is hereby authorized with or without charge to provide for the disposal of dead farm animals, and the excavating of human graves.

Section 2. This amendment shall be self-executing, but the legislature shall have the right and power to enact laws supplemental to this amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this amendment.

Section 3. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 5. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Limestone County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House May 5, 1987

Passed the Senate June 18, 1987

Act No. 87-253 S. 100—Senator Drinkard

AN ACT

To amend §§16-25-14(a) and 36-27-16(a), Code of Alabama 1975, to provide for retirement upon completion of 25 years of creditable service under the teachers' retirement system or the employees' retirement system, provided that any member electing such retirement shall receive a reduction in benefits or shall have such benefits delayed for a period of time equal to the lesser of the number of months that his creditable service at the time of separation from service is less than thirty years or until such member attains sixty years of age.

Be It Enacted by the Legislature of Alabama:

Section 1. §16-25-14(a) of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) (1) Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days

nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service.

"(2) Any member who has attained age 60 and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed at the time for his withdrawal from service the requirements established by the board of control for eligibility for deferred benefits pursuant to section 16-25-3.

"(3) Any teacher in service who has attained age 70 shall be retired or shall withdraw from service forthwith; provided, that with the approval of his employer he may remain in service until the end of the then current school year which shall be no later than June 30 following the date on which he attains age 70; provided further that any teacher may be continued in service from year to year on his application, approved by his employer, if evidence of physical and mental fitness is furnished.

"(4) Any person who is presently covered or is eligible to be covered under the employees' retirement system of Alabama or the teachers' retirement system of Alabama and who, prior to such coverage or eligibility for coverage, served as head of any Alabama county's public library service department shall have credited to him or her one year of creditable service for each year served as such head, not to exceed 12 years; provided, that such person shall pay into the retirement system the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect on October 1, 1973.

"(5) Any member of the teachers' retirement system of Alabama, who withdraws from service after the completion of at least 30 years of creditable service, may retire upon written application to the board of control of the teachers' retirement system setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963 shall have completed 10 or more years of creditable service.

"(6) Notwithstanding the provisions of this section to the contrary, any member who withdraws from service upon or after attainment of twenty-five years of creditable service, may retire upon written application to the board of control of the teachers' retirement

system setting forth at what time not less than 30 nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired provided that any member electing retirement pursuant to this subsection shall at his option receive either a reduction in benefits equal to five-ninths of one percent for each month that his date of retirement precedes his sixtieth birthday or for each month less than thirty years of creditable service attained by such retiring member, whichever is less; or in lieu of receiving a reduced benefit such member may choose a deferred benefit without reduction provided such member shall not be eligible for benefits until a time has expired since his separation from service equal to the lesser of the number of months his separation from service precedes his sixtieth birthday or the number of months that his creditable service at the time of separation from service is less than 30 years."

Section 2. Section 36-27-16(a) of the Code of Alabama 1975 is hereby amended to read as follows:

"(a)(1) Retirement, etc., of employees generally; eligibility for service retirement benefits.

"a. Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service; provided further, that a member employed as a state policeman shall be eligible to file application of service retirement upon attaining age 52.

"b. Any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, said member shall have at the time of his withdrawal from service completed the age and service requirements established by the board of control for eligibility for deferred benefits; provided, that such minimum number of years of creditable service shall not be less than 10 years nor more than 25 years.

"c. Any employee who attains age 70 shall be retired or shall withdraw from service forthwith; except, that any employee may be continued in the state service from year to year on his application, approved by the personnel board, if evidence of physical and mental fitness is furnished; provided further, that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the

legislature who has attained age 70 shall not be compelled to retire at age 70, but may continue in service until his retirement is ordered by the house of which he is an officer or employee and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this chapter shall require the dismissal of any person 70 years old or over who fails to join the retirement system within the time specified in this article if such person was in the employ of the state on June 1, 1945.

"d. Notwithstanding the provisions of this section to the contrary, any law-enforcement employee in the department of conservation who has attained age 65 shall be retired forthwith.

"e. Notwithstanding the provisions of this section to the contrary, any state policeman who has attained age 60 shall be retired forthwith; provided, that any state policeman who attains age 60 may be continued in the state service from year to year on application of said employee, approved by the personnel board, if evidence of physical or mental fitness to carry out his duties is furnished.

"f. Notwithstanding the provisions of this section to the contrary any member who withdraws from service upon or after attainment of 25 years of creditable service, may retire upon written application to the board of control setting forth at what time not less than 30 nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired, provided that any member electing to retire pursuant to such provisions shall at his option receive either a reduction in benefits equal to five-ninths of one percent for each month that his date of retirement precedes his sixtieth birthday or for each month less than thirty years of creditable service attained by such retiring member, which ever is less; or in lieu of receiving a reduced benefit such member may choose a deferred benefit without reduction provided such member shall not be eligible for benefits until a time has expired since his separation from service equal to the lesser of the number of months his separation from service precedes his sixtieth birthday or the number of months that his creditable service at the time of separation from service is less than thirty years."

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 3:00 P.M.

Act No. 87-254 H. 488—Rep. Coburn

AN ACT

Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Colbert County.

Section 2. The following words and terms as used in this act, shall have the meanings hereby ascribed to them: "the Bureau" means the public corporation for which this act provides; "the Board" means the Board of Directors of the Authority for which this act provides.

Section 3. There is hereby established in the county a public corporation for the purposes herein specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Bureau".

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be the Colbert County Tourism and Convention Bureau.

Section 4. The Bureau shall be authorized and empowered to conduct programs, including but not limited to programs of information and publicity designed to attract conventions and tourism to all of Colbert County. The Bureau shall be authorized to conduct such programs in Alabama and elsewhere, and to expend its funds in the furtherance of such programs in Alabama and elsewhere.

The Bureau may enter into contracts with any person, firm, corporation or association to carry out the purposes set forth in this act. No contract entered into by the Authority shall bind the State or any county or municipality of the State.

The Bureau shall have the power (a) to sue and be sued; (b) to acquire property and rights of interests in property by gift, lease, or purchase; (c) to appoint officers, agents, employees, and attorneys, and to fix their compensation; (d) to have a seal and alter the same at pleasure; property by gift, lease, or purchase; (c) to appoint officers, agents, employees, and attorneys, and to fix their compensation; (d) to have a seal and alter the same at pleasure; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or

purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to accept or receive gifts, bequests and devises; (h) to borrow money and execute notes and other evidence of indebtedness which may be required by the lender, and pledge anticipated revenue or income to secure payment of any such loan; and (i) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purpose the Bureau shall be authorized to use and apply the proceeds of any taxes which the Legislature provides which shall be payable to the Bureau for the promotion of all Colbert County as a Convention Center and all such places located in Colbert County, Alabama, which from time to time offer to visitors and tourists something of interest. Specifically, the proceeds of the privilege or license tax levied by Act No. 83-531 of the 1983 Regular Session of the Legislature of Alabama shall be paid by the Director of Revenue to the Colbert County Tourism and Convention Bureau. All unexpended proceeds of the privilege or license tax previously collected pursuant to said Act No. 83-531 shall be the property of the Colbert County Tourism and Convention Bureau to be used and applied for the aforesaid purposes.

Section 5. The affairs of the Bureau shall be managed by the Board of Directors, herein called "the Board" which shall consist of seven (7) members first appointed for staggered terms as follows: Three (3) members will serve a term of three (3) years; two (2) members will serve a term of two (2) years; and two (2) members will serve a term of one (1) year.

The seven members shall first be appointed as follows: the governing body of the City of Tuscumbia shall appoint one (1) member to a three (3) year term and one (1) member to a one (1) year term; the governing body of the City of Sheffield shall appoint one (1) member to a three (3) year term and one (1) member to a two (2) year term; the governing body of the City of Muscle Shoals shall appoint one (1) member to a three (3) year term and one (1) member to a one year term; and the governing body of Colbert County shall appoint one (1) member to a two (2) year term. Thereafter, all members will serve a three (3) year term or until their successors are appointed and shall serve no more than three (3) consecutive terms until after the lapse of one year. The term of office of approximately one-third (1/3) of the members shall expire at each annual meeting of the Board.

Each of the seven members shall be a resident of Colbert County at the time of his appointment. In the event a member ceases to reside in Colbert County during his tenure on the Board, such member's appointment shall terminate immediately.

The provisions set forth below shall govern the filling of any vacancy occurring in any one or more of the seven directorships. A directorship shall be deemed to be vacant in the event that any person designated as a director, as provided above, for any reason fails to attend three (3) monthly Board meetings in succession. In the event a vacancy in the directorship occurs, such vacancy shall be filled by the City or County Authority which first made the appointment.

The members of the Board shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties for the Bureau.

Section 6. The power of the Bureau shall be vested in and exercised by the Board subject to the provisions of this act.

The Board shall be authorized to employ agents, employees, officers, consultants, attorneys and to secure such services and assistance as the Board deems necessary to enable it to conduct and engage in the activities and purposes for which this Bureau is created.

The Board may delegate to one or more of its members, employees, agents, or officers, such duties as it deems proper.

The Board shall elect a Chairman and a Vice-Chairman of said Board. The Vice-Chairman shall serve as Chairman in the event of the Chairman's absence. The Board shall also elect a Treasurer and a Secretary.

The Board shall provide by resolution for the dates on which the Chairman, Vice-Chairman, Treasurer, and Secretary shall be elected, which resolution shall specify the term or period for which each of the officers last named shall serve.

The Treasurer shall act as custodian of all funds from whatever sources derived received by such officer.

The Treasurer of the Bureau shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board.

Contracts of the Bureau shall be executed in the name of the Bureau by the Chairman of the Board and attested by the Secretary of the Bureau.

Section 7. All laws or parts of laws, whether general, special, or local, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict.

Section 8. The provisions of this Act are severable, if any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-255 H. 489—Reps. Coburn and Goodwin

AN ACT

Relating to Colbert County: Abolishing the office of constable.

Be It Enacted by the Legislature of Alabama:

Section 1. In Colbert County the office of Constable shall be abolished, pursuant to Act No. 84-757, S. 112, First Special Session, 1984.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-256 H. 181—Rep. Parker

AN ACT

Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County; and repealing conflicting laws or parts of laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective with the next term of office, and thereafter, the superintendent of education of Morgan County shall be paid an annual salary of $55,000 which shall be in lieu of all salaries, expense allowances or other benefits heretofore provided by law for said superintendent. Such salary shall be paid in monthly installments.

Section 2. The Morgan County board of education may, in their discretion, provide a reasonable expense allowance and other benefits for the said superintendent.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective on the expiration of the term of office of the incumbent county superintendent of education, or upon the office becoming vacant, whichever occurs first.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-257 H. 183—Rep. Parker

AN ACT

Relating to Morgan County; relating to the process of service and its methods by the courts and collection of fees, as provided by law, by the sheriff or his deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In the courts of Morgan County subpoenas requiring the attendance of witnesses in any civil, criminal, or other case or proceeding, or before the grand jury, may be served by the sheriff personally or by leaving a copy thereof at the place of residence of the witness or in the discretion of the said sheriff, the sheriff may serve the same by placing a copy thereof in the United States mail, certified and enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, the sheriff shall immediately mark the process executed in the manner so served. If the subpoena so mailed is not delivered to the addressee but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of residence of the witness.

(b) Anything to the contrary notwithstanding in Subsection (a) above, any judge of any of the courts of Morgan County having jurisdiction of the proceeding or case may, on motion of any party or on the court's own motion, order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or person or by United States registered or certified mail.

Section 2. The fees and charges for such service shall be as provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-258 H. 185—Reps. Starkey and Goodwin

AN ACT

Relating to Lauderdale County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Lauderdale County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Lauderdale County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of October, 1987. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to reregistration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of October, 1987, the board of registrars of Lauderdale County is hereby authorized, directed,

and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until four o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the thirty day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive forty dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the full-time clerk in the office of the board of registrars, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in October, 1987, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike

the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Lauderdale County, Alabama, during the period of time from the effective date hereof to October 1, 1987.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least ten days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be outside of Lauderdale County, Alabama, during the period of time from the effective date hereof to October 1, 1987.

Section 8. The county governing body of Lauderdale County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Lauderdale County, Alabama

Date _____, 198_____

Name _____
Last Middle First

Legal Residence Address _____
Street

City or Town _____

State _____

Social Security Number (Optional) _____

Other Identification _____

Date of Birth _____ Sex_____ Race_____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____
Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 19_____.

_____
Registrar-Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than nor more than five years.

Section 11. The provisions of this act shall not be implemented until such act has been approved by the United States Department of Justice as required by the Voting Rights Act of 1965.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-259 H. 186—Rep. Starkey

AN ACT

Relating to Lauderdale County; abolishing the office of constable in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of constable is hereby abolished in Lauderdale County.

Section 2. Any person now serving in such office in Lauderdale County shall be entitled to any vested rights accrued.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective sixty days after its passage and approval by the Governor.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-260 H. 277—Rep. Blake

AN ACT

Relating to St. Clair County; providing further for the county superintendent of education expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, the county superintendent of education shall be entitled to such expense allowance as the county board of education may prescribe from time to time. Said expense allowance shall be in lieu of any other expense allowance heretofore provided by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-261 H. 385—Rep. McMillan

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Loxley, in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Loxley in Baldwin County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

PARCEL ONE: Commence at the Southwest corner of Section 2, Township 5 South, Range 3 East, Baldwin County, Alabama; said point being at the centerline intersection of County Highway 68 and County Highway 55 (Holley Street), said point being the Point of Beginning; thence run Easterly along the centerline of County Highway Number 68 (Being a 50 foot right of way) 2660.00 feet, more or less, to a point; thence leaving said centerline and run Southerly 1225.00 feet, more or less, to a point; thence run Westerly 2610 feet, more or less, to a point, said point being on the East right of way of County Highway 55 (Being a 80 foot right of way); thence run Southerly along said right of way of County Highway 55, 510.00 feet, more or less, to a point; thence leave said right of way of County Highway 55 and run Easterly 305.00 feet, more or less, to a point; thence run in a Southeasterly direction 580.35 feet, more or less, to a point; thence run Westerly 330.00 feet, more or less, to a point; thence run Southerly 133.50 feet, more or less, to a point; thence run Westwardly 2260 feet, more or less, to a point; thence Southerly 160.00 feet, more or less, to a point; thence run Westerly 2400 feet, more or less, to a point on the West right of way of County Highway 55 (Holley Street); thence run Northerly along said West right of way line 1375.00 feet, more or less, to a point; thence run Westerly 830.00 feet, more or less, to a point; thence run Northerly 1350.00 feet, more or less, to a point on the centerline of County Road 68; thence run Westerly along the centerline of said right of way 880.00 feet, more or less, to the Point of Beginning.

PARCEL TWO: From the intersection of the centerline of Holley Street (County Road 55) and the centerline of Hickory Street run thence Westerly 1340.00 feet, more or less, to a point; run thence Northerly 1680.00 feet, more or less, to a point; thence run Easterly 1340.00 feet, more or less, to a point on the centerline of Holley Street (County Road 55); thence run Southerly and along the centerline of Holley Street 680.00 feet, more or less, to the Point of Beginning.

PARCEL THREE: From a point which is the intersection of Industrial Drive as extended Eastwardly with the East line of Magnolia Street run thence South along the said East line of Magnolia Street 700 feet, more or less, to a point; run thence Westwardly 1870 feet, more or less, to a point; run Northerly 1340 feet, more or less, to a point; thence Easterly 170 feet, more or less, to a point; thence Northerly 530 feet, more or less, to a point; thence Easterly 1410 feet, more or less, to a point; thence Northerly 442.75 feet to a point; thence Westerly 100 feet to a point; thence Northerly 338 feet, more or less, to a point, said point being the centerline of an unnamed street, said street having a 30 foot right of way; thence run along the centerline of said unnamed street in a Westerly direction 650.00 feet to a point; thence run North 15 feet, more or less, to a point on the North right of way line of the aforementioned street; thence leave said right of way and run Westerly along the South boundary of Garland Terrace Subdivision 310 feet, more or less, to a point, said point being on the East right of way of an unnamed street, said street being a 40 foot right of way, thence run Northerly along said right of way of said unnamed street and the West line of the Garland Terrace Subdivision 662 feet, more or less, to a point, said point being the Northwest corner of said subdivision; thence run Easterly along the North property line of the aforementioned subdivision 646.26 feet, more or less, to a point; thence run Northerly 680 feet, more or less, to a point on the centerline of County Road 64; thence run Easterly and along said centerline 180 feet, more or less, to a point; thence run Northerly 690 feet, more or less, to a point; thence run Easterly 245 feet, more or less, to a point; thence run Northerly 1320 feet to a point; thence run Westerly 450 feet, more or less, to a point; thence Northerly 3330 feet to a point, said point being on the centerline of U.S. Highway 90, said highway being an 80 foot right of way; thence run along the centerline of said U.S. Highway 90 in an Easterly direction 430 feet to a point; thence run Northerly 1450 feet to a point of Curvature, said point being 260 feet Southwest of the centerline intersection of State Highway 59 and County Highway 49; thence run along said curve (concave Northeasterly) in a Northwest direction a chord distance 2600 feet, more or less, to a point of tangency; thence run Northerly 1330 feet, more or less, to a point which is the centerline of a 40 foot unnamed street; thence

run Westwardly and along said centerline 860 feet, more or less, to a point which is 1039.1 feet East of the Southwest corner of Section 34, Township 4 South, Range 3 East; run thence North 165 feet to a point; run thence East 100 feet to a point; run thence South 145 feet, more or less, to the North line of said unnamed street; thence run East 240 feet, more or less, to a point; thence Northerly 2310 feet, more or less, to a point; said point being on the north right of way of U.S. Interstate 10; thence run along said right of way Southwesterly 600 feet, more or less, to a point of curvature; thence run along said curve (concave Northwesterly) and said right of way Southwesterly a chord distance of 500 feet, more or less, to a point of tangency; thence continue along said right of way in a Westerly direction 380 feet, more or less, to a point; said point lying on the West line of Section 34, thence continue along said West line of Section 34 in a Northerly direction 850 feet, to a point, said point being on the centerline of a 40 foot right of way of an unnamed street; thence leaving said West section line run Easterly 2680 feet, more or less, to a point; said point being the centerline of a 40 foot right of way of an unnamed street; thence run Southwardly and along said right of way 900 feet, more or less, to a point on the North right of way of Interstate Highway 10; thence continue South 350 feet, more or less, to a point; said point being on the South right of way of U.S. Interstate 10; thence continue South along the centerline of a 40 foot right of way of an unnamed street 4400 feet, more or less, to a point; thence run Southeast 2700 feet, more or less, to a point on the South right of way of Holley Street, thence run in a Westerly direction 1260 feet, more or less, to a point on the East right of way line of Magnolia Street (County Road 49); thence run Southerly and along said East right of way of Magnolia Street 910 feet, more or less, to a point; thence run in an Easterly direction and along the Northern boundary of Pinehurst Subdivision 1300 feet, more or less, to the West right of way line of U.S. Highway 90; thence continue along the West boundary line of U.S. Highway 90 1900 feet, more or less, to the North right of way line of County Road 66; thence run Westerly and along the North right of way of said County Road 66 1920 feet, more or less, to a point which is the centerline of Magnolia Street (County Road 49); thence Southerly and along the centerline of Magnolia Street 5380 feet, more or less, to the Point of Beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-262 H. 433—Rep. Headley

AN ACT

To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court for Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. All orders and decrees issued by circuit judges sitting in and for the circuit court in Bibb County may be made and entered on a sheet or sheets now commonly called case action summaries and there shall be a case action summary for each case docketed in such courts properly identified by the style of the case and a case number.

Section 2. After all orders and judgments have been made and entered, in any case, by the said circuit judge or judges, the clerk of the circuit court of said county shall file such sheet in numerical order in well bound books labeled "Minute Books" and such judgments or orders shall have the same force and effect as minutes of the said circuit court prior to the passage and approval of this act.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-263 H. 554—Rep. Blake

AN ACT

Relating to St. Clair County; providing that the county commission or other like governing body of such county shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to any limitation of the Constitution of Alabama or of any general law of this state, the St. Clair County

Commission or other like governing body shall have the power to levy and collect additional privilege license taxes, excise taxes, ad valorem taxes, and sales and use taxes. The revenue from any of the taxes authorized above shall be deposited into the county treasury to be used in the manner prescribed by the county commission.

Section 2. Any such additional tax levied by said governing body shall become law either with or without a referendum in the sole discretion of said governing body; in the event said county commission provides that said tax levied shall become law only upon approval of a majority of those voting in any election called for by said governing body for such purpose, then said election shall be held not less than 30 days nor more than 90 days after said county governing body adopts such a resolution.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall be cumulative to any and all other laws or parts of laws relating to taxation in St. Clair County, except those in direct conflict herewith are specifically repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-264 H. 555—Rep. Blake

AN ACT

Relating to St. Clair County; to provide for additional expense allowances for certain county officials and expiration date therefor and providing for a certain monthly salary for certain county officials to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for said officials.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County the following county officials shall receive an additional expense allowance in the amount specified as follows, viz:

Chairman of the County Commission ..... $300.00 per month

Members of the County Commission ..... $300.00 per month

County Coroner ..... $300.00 per month

Assistant County Coroner ..... $150.00 per month

The expense allowance provided for by this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law and shall be paid out of the county general fund.

Section 2. Beginning with the next term of office, the expense allowance paid to certain county officials as provided in Section 1 shall be null and void. In lieu thereof the county officials shall receive an additional monthly compensation in the amount specified as follows, viz:

Chairman of the County Commission ..... $300.00 per month

Members of the County Commission ..... $300.00 per month

County Coroner ..... $300.00 per month

Assistant County Coroner ..... $150.00 per month

Said compensation shall be in addition to all other compensation, expense allowances or benefits received.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-265

H. 348—Reps. Curry, Davis, McClain, Seibels, White (G), Beers, McDowell, Biddle, Escott, Wright, Perdue, Rogers and Payne

AN ACT

To amend Article VI, of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, to provide a delayed retirement benefit for employees

of the Jefferson County Board of Health who have ten years of service. To provide for actuarial reports of the costs of such benefit, to provide an effective date, to provide for the payment of the cost of said benefit, and to provide for related matters.

Be It Enacted by the Legislature of Alabama:

Section 1. That Article VI, of Act No. 1272, of the Regular Session of the Legislature of Alabama of 1973, as amended, is hereby further amended to contain an additional provision to read in full as follows:

"Section 23.

"A. Employees of the Board of Health shall, upon termination of such employment after ten years of actual service to the Board of Health, have the option to leave in the System Fund all contributions made by such terminated employee and to receive a monthly retirement benefit beginning at age sixty (60), in an amount equal to two percent (2%) of such employee's monthly final average salary multiplied by his years of credited service. Said benefit shall continue throughout the life of said retiree. A survivor's benefit calculated as described in Article VI, Section 10, shall be provided to survivor's of retirees under this provision if such retired employee has reached age sixty (60). In the event that a terminated employee dies, prior to receiving a benefit hereunder, or elects at any time to withdraw said contributions to the System Fund, then such contributions shall be paid to said employee or his designee without interest and said terminated employee, and thus claiming under him, shall have no further rights in the fund.

"B. The actuary who prepares the annual analysis of the System shall determine the annual cost of this provision, based upon such assumptions as said actuary shall find are reasonable, and certify said cost to the City and to the Board of Health.

"C. This provision shall become effective following the date of adoption hereof if the Board of Health shall have irrevocably committed to pay the vesting benefit contained herein. Such payments may be from funds of the Board of Health or from employee salary deductions as the Board of Health may determine."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-266 H. 399—Rep. Black

AN ACT

Relating to Sumter County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Sumter County legislative delegation.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a Sumter County legislative delegation office which shall be managed by a secretary or office manager who shall be hired by and serve at the pleasure of the Sumter County legislative delegation. The salary for such secretary or office manager shall be set by the delegation up to no more than that of chief clerks in other county offices and paid by the commission, as other county employees are paid.

Section 2. The Sumter County Commission shall provide the necessary office space, supplies, furniture and other equipment for the delegation. Said office may be located outside the county courthouse or other county buildings if said office space is provided at no cost to the county.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-267 H. 480—Rep. Marks

AN ACT

Relating to Morgan County, to amend Act No. 80-597, H. 1141 of the 1980 Regular Session (Acts of 1980, p. 1011), as amended, relating to the distribution of certain gasoline taxes, so as to remove the expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 80-597, H. 1141, 1980 Regular Session (Acts of 1980, p. 1011), as amended, is hereby further amended to read as follows:

"Section 6. The provisions of this act shall become effective on the first day of August 1980."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 23, 1987

Time: 2:30 P.M.

Act No. 87-268 H. 587—Reps. McMillan and Penry

AN ACT

Proposing an amendment to the Constitution of Alabama relative to continuing the imposition of a special district ad valorem tax in certain areas of Baldwin County for public hospital purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The special district tax now levied and collected for public hospital purposes in election precincts numbered one through seven of Baldwin County, Alabama, and authorized by law shall be continued upon approval of this constitutional amendment and by simultaneous approval of a majority of the qualified electors in election precincts one through seven of Baldwin County voting thereon in the constitutional election submitting this proposed amendment to the county electorate.

Upon such approval, the governing body of Baldwin County shall levy and cause to be collected annually, beginning October 1, 1987, for a period of twenty years, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a special district tax of two mills on each One Dollar ($1.00) assessed valuation of taxable property in election precincts

numbered one through seven of Baldwin County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in amendment LXXVI [76] to the Alabama Constitution of 1901 proposed by Acts of 1949, page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949) within said election precincts numbered one through seven.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Baldwin County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Baldwin County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said election precincts numbered one through seven any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Baldwin County under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of Baldwin County or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they

are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

As used in this act, the term "election precincts" means the election precincts or beats of the county as they existed on July 27, 1965.

This amendment shall be self-executing.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Baldwin County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 2, 1987

Passed the Senate June 23, 1987

Act No. 87-269 H. 49—Rep. White (L)

AN ACT

To propose an amendment to the Constitution of 1901, relating to the levy and collection of school district taxes for city and county school systems within Tallapoosa County and relating to the levy and collection of ad valorem taxes designated for Alexander City Junior College for tuition assistance to provide that such taxes are cumulative to any and all other such taxes in Tallapoosa County; to provide that such tax shall be effective upon approval at a referendum called for the purpose and the ratification of this amendment at a referendum, pursuant to Amendment 425 of the Constitution of 1901, as amended, and which referendum shall constitute a referendum on the tax. The Tallapoosa County Board of Education and Alexander City Junior College shall administer the allocation of such respective taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

In addition to any and all other taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, in Tallapoosa County there is hereby levied an additional eight mills on each dollar of taxable property situated in said county, for schools, capital outlay, maintenance, equipment, repairs or other educational purposes, except for salaries, and for the purpose of providing tuition assistance for Tallapoosa County residents attending Alexander City Junior College; provided that before said taxes are levied and collected the question first shall be approved by the qualified electors of Tallapoosa County. If a majority of the qualified electors voting thereon shall vote in favor of such taxes then the said taxes shall be effective; if a majority of the qualified electors voting thereon vote in opposition of such taxes then the provisions of this act shall become null and void and have no effect; provided, however, if a majority of the qualified electors of Tallapoosa County who participate in the referendum held on the adoption of this amendment vote in favor thereof, no further election need be held and this amendment shall become self-executing.

Of the total revenues generated by this amendment, those generated by seven mills of said tax shall be deposited in the county treasury and shall be designated for the use of the respective boards of education in Tallapoosa County, and shall be allocated by the Tallapoosa County Board of Education. Such funds shall be apportioned among the county and city school systems on the basis of the current ratio distribution formula used in apportionment of minimum program funds within the county. No assessment or collection charge otherwise authorized by law shall be deducted by the tax assessor, tax collector, or other public officer or employee pursuant to the assessment or collection of the tax herein levied.

The provisions of this act shall be construed in pari materia with all other provisions relating to school district taxes in Tallapoosa County, except as there is a direct conflict herewith.

Of the total revenues generated by this amendment, those generated by one mill of said tax shall be designated for Alexander City Junior College for tuition assistance for Tallapoosa County residents attending Alexander City Junior College.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at a special election to be called for that purpose only by the Court of County Commissioners of Tallapoosa County; such election to be held not more than 60 days following the passage of this act. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 30, 1987

Passed the Senate June 23, 1987 as amended

House concurred in Senate amendment June 23, 1987

Act No. 87-270 S. 398—Senator Sanders

AN ACT

Proposing an amendment to the Constitution of 1901, as amended, relating to Greene County and the qualifications for office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

In Greene County any person, who otherwise meets the qualifications and who is over the age of 70 years, shall not be prohibited from qualifying as a candidate for and holding office of the judge of probate in said county if elected to such office. Such person shall

be entitled to all privileges, entitlements, compensation and benefits as any other judge of probate in Greene County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Greene County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 16, 1987

Passed the House June 23, 1987

Act No. 87-271 S. 406—Senator Sanders

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Sumter County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Sumter County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for

his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Sumter County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Sumter County shall continue to be collected but shall be paid into the general fund of Sumter County.

The county commission of Sumter County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Sumter County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Sumter County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 16, 1987

Passed the House June 23, 1987

Act No. 87-272 S. 409—Senator Sanders

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Greene County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Greene County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Greene County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Greene County shall continue to be collected but shall be paid into the general fund of Greene County.

The county commission of Greene County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Greene County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Greene County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 16, 1987

Passed the House June 23, 1987

Act No. 87-273 S. 410—Senator Sanders

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Lowndes County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Lowndes County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Lowndes County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Lowndes County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Lowndes County shall continue to be collected but shall be paid into the general fund of Lowndes County.

The county commission of Lowndes County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Lowndes County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and

unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Lowndes County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 16, 1987

Passed the House June 23, 1987

Act No. 87-274 S. 411—Senator Sanders

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Wilcox County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Wilcox County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Wilcox County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Wilcox

County shall continue to be collected but shall be paid into the general fund of Wilcox County.

The county commission of Wilcox County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Wilcox County.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Wilcox County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 16, 1987

Passed the House June 23, 1987

Act No. 87-275 H. 453—Rep. Headley

AN ACT

Relating to Bibb County; providing for an additional fee for motor vehicle tags and providing for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. An additional fee of $1.50 shall be collected by the probate judge for motor vehicle tags in Bibb County and be deposited in the general fund of the county $1.00 of said amount shall be distributed for Ambulance Service and $.50 shall be distributed to Volunteer Fire Departments, both of which are hereby declared to be essential public services.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 19, 1987 without approval by the Governor.

Act No. 87-276 H. 405—Rep. Marks

AN ACT

Relating to Morgan County; to levy an additional filing fee in all cases filed in the probate, district or circuit courts of the county to be deposited in the Morgan County Law Library Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other costs and charges of courts, there shall be taxed as costs the sum of two dollars in each civil or quasi civil action, criminal case, quasi criminal proceeding, or any other case of any kind whatsoever filed in the probate, district or circuit courts in Morgan County.

Said additional costs shall be collected as other costs in such cases are collected and paid to the treasurer of Morgan County and shall be kept by him in a separate fund designated as "Morgan County Law Library Fund" and may be expended as are other sums deposited in said fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 24, 1987 without approval by the Governor.

Act No. 87-277 S. 188—Senators Foshee, Bedford, Bedsole, Goodwin, deGraffenried, Drinkard,

Menton, Corbett, Bishop,
Hand, Rice, Horn,
Bennett, Cabaniss,
Denton, Hale, Campbell,
Langford, Figures,
Smith (B), Sanders,
Hilliard, Dixon, Barron,
Preuitt and Ellis

AN ACT

To amend Section 8-17-82, Code of Alabama 1975, which relates to the labeling requirements for certain containers of certain petroleum products so as to provide further for the labeling of containers and pumps from which certain petroleum products are sold or dispensed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-17-82, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-82.

"(a) Each person selling, offering for sale, storing or using in the state any petroleum product must label, or cause to be labeled, each tank car, tank, barrel, pump or other container in which such petroleum product is contained or marketed with the words 'guaranteed legal standards' and with an additional word or words denoting the precise character of the petroleum product in the container so labeled. Each word in such label shall be legibly printed in letters not less than one-half inch in height.

"(b) An alternate manner for container and other labeling information as required under subsection (a) of this section may be prescribed by the board of agriculture and industries pursuant to rules and regulations which shall be consistent with the evident intent and purposes of this section.

"(c) In addition to the requirements of subsections (a) and (b) of this section each person selling, offering for sale, storing or using in the state any petroleum product to be used as a motor fuel containing a minimum of 10% blend of ethyl alcohol of a purity of at least 99% denatured in conformity with one of the approved methods set forth by the U.S. Department of Treasury Division of Alcohol, Tobacco and Firearms and derived from agricultural or forest products or other renewable resource products commonly known as gasohol must label or cause to be labeled each container, pump, or dispenser from which such petroleum product is sold or dispensed with the word 'GASOHOL.' Each such container or pump shall be conspiciously, clearly and distinctly labeled on each side which faces the motor vehicle and readily visible in an upright position with the

word vehicle and readily visible in an upright position with the word 'GASOHOL' printed in black letters at least three inches in height and one-quarter inch in width on a yellow background. The board of agriculture and industries shall have authority to make and issue rules and regulations relating to the implementation of the provisions of this subsection; provided, however, no alternate method of labeling shall be prescribed by such board for this subsection nor shall the requirements of this subsection be in any manner delayed."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 24, 1987 without approval by the Governor.

Act No. 87-278 S. 59—Senator Dial

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Heflin, in Cleburne County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Heflin in Cleburne County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Beginning at the intersection of the west right-of-way of Alabama Highway No. 9 and south line of the SE ¼ of the NW ¼ of Section 21, Township 16 South, Range 10 East; thence north 6 degrees 35 minutes 30 seconds east along the west right-of-way of Alabama Highway No. 9, 234.3 feet to an iron pin and the point of beginning; thence north 83 degrees 24 minutes 30 seconds west 162.25 feet to an iron pin on the east side of a paved road of 50 foot right-of-way (iron pin on right-of-way); thence at an interior angle of 103 degrees for 167.6 feet to an iron pin; thence at an interior angle of 167 degrees 00 minutes 30 seconds for 216.9 feet to an iron pin; on the south right-of-way of Interstate No. 20; thence at an interior angle of 68 degrees 34 minutes 30 seconds for 118.2 feet along said right-of-way to an iron pin; thence at an interior angle of 144 degrees 37 minutes 30 seconds for 164.1 feet along said right-of-way to an iron pin; thence at an interior angle of 146 degrees 47 minutes 30 seconds for 200 feet along the west right-of-way of Alabama Highway No. 9

to an iron pin and the point of beginning. Said lot lying in the SE ¼ of the NW ¼ of Section 21, Township 16 South, Range 10 East, in Cleburne County, Alabama, and containing 1.39 acres.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-279 S. 136—Senator deGraffenried

AN ACT

To amend Section 22-6-7, Code of Alabama 1975, which authorizes the Medicaid Agency to contract with fiscal intermediaries for the purpose of receiving, processing and paying claims under the medicaid program, so as to provide further for said contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-6-7, Code of Alabama 1975, is hereby amended to read as follows:

"§22-6-7.

"(a) The medicaid agency of the state of Alabama, the single state agency charged with responsibility for administering the Alabama medicaid program, is hereby authorized to contract, for periods not to exceed five years, with one or more fiscal intermediaries for the purpose of receiving, processing and paying claims for services rendered recipients of the Alabama medicaid program; provided, that such contracts shall comply in all other respects with the provisions of the Alabama Competitive Bid Law as codified in sections 41-16-20 through 41-16-32, as amended.

"(b) The provisions of subsection (a) notwithstanding, the medicaid agency of the state of Alabama may at its discretion extend the present contract for two additional years through September 30, 1990."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-280 S. 364—Senators Bedsole and Hand

AN ACT

Relating to Mobile County, to amend Section 5 of Act No. 242, S.B. 79 1876 Regular Session, as amended, which regulates public schools in the county, so as to provide further for the powers and duties of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile county, Section 5 of Act No. 242, S.B. 79, 1876 Regular Session, as amended, is hereby further amended to read as follows:

"Section 5. Be it further enacted, that the said Board of School Commissioners shall be entitled to receive, levy, assess and collect all devises, revenues and taxes to which they were by law entitled at the date of the organization of the Board of Education of the State of Alabama, and that they shall have full power to continue in force, revise, modify and improve, as to them may see fit, the public school system now existing in the County of Mobile, and to make such by-laws, rules and regulations, not inconsistent with the laws of the State and of the United States, for the government of the Board and of said schools, as they may deem expedient or necessary. They shall hold regular meetings of the said Board at such times as they may fix upon and adjourned or special meetings when necessary. Three members of the Board shall constitute a quorum for the transaction of business, but no business involving a change in the system, rules and regulations or affecting the general interest of the County shall be transacted except at a regular meeting, after due notice given, or when a full Board is in attendance. The said Board shall be a body corporate, may have a common seal, may sue and contract, may, when the Board deems such desirable, appoint or employ attorneys and pay to them agreed compensation in such manner or fashion as may to the Board seem best, shall have the power to purchase or lease such property for school purposes as in their judgment may be necessary for the proper accommodation and comfort of pupils and teachers, and fix the compensation and bonds of its officers, agents and employees, and change the same at pleasure; provided that the sum or sums so expended shall not exceed, in any one year, twenty per centum (20%) of the income of said Board; and provided further that said 20% limitation shall have no application to sums expended for the constructing, furnishing or equipping of school buildings. The said Board shall also have power to sell or exchange any of said property—the Barton Academy buildings and property only excepted—provided that when the value of such property shall not exceed five thousand dollars, four of the members of

the said Board shall vote in favor of the sale, and when the value exceeds five thousand dollars, the sale, to be valid, shall receive the unanimous vote of said Board and be approved by the Judge of Probate of Mobile County. The said Board shall also have power to let any property which it may own in fee simple, and any property of which, though not owned by it, the Board shall have the statutory right and power of direction, management and control, for any term or period that may seem to the Board, in the exercise of sound discretion, proper, not exceeding ninety-nine (99) years; provided, however, that the Barton Academy buildings and property are excepted from the said power to let; and provided further, that if the lease be for a term exceeding fifty (50) years and not exceeding ninety-nine years, and the value of such property shall exceed five thousand (5,000.00) dollars, the lease to be valid, shall receive the unanimous vote of the said Board and be approved by the Judge of Probate of Mobile County; and provided that the restriction of touching the necessity for unanimous vote of the Board and approval by the Probate Judge, shall not apply to any leases that may have been made prior to the first day of June, 1969, nor to any leases that may be made to land in Section 16 in Township 4 South of Range 2 West in Mobile County. The said Board shall also have the power to effect and take insurance upon its property and against all risks and hazards, whether of loss or damage to its property, or of risks claimed liability as for asserted damage to others, whether of like kind with insurance upon property or not, and including any and every kind, character and description of insurance that may be affected, taken or carried by a private person or corporation for protection against risks now coverable by any kind of insurance, or that may hereafter be covered by any kind of insurance under the law and in accordance with the practice of underwriting. In effecting and taking such insurance, the Board shall have the power to effect and take insurance and cause itself to be insured in any class, type or kind of insurance company, including mutual insurance companies, that, in the discretion of the Board, may seem to it wise, expedient or proper; provided, however, that nothing herein contained shall affect, overcome, or supersede the provisions of Title 28, Sections 217-238, of the Code of Alabama of 1940. The said Board shall have the power also, in the exercise of reasonable prudence, to invest funds derived from the sale of capital outlay warrants and held pending the expenditure thereof for the contemplated capital improvements, and funds from any other source accumulated and held in advance of expenditure by the Board in the operation of public schools of the county, in obligation of the United States of America, whether interest bearing obligations or obligations purchased at discount. The said Board shall have the power also to employ and pay guards, watchmen, security personnel, or other functionaries by whatever name called to preserve the grounds, school buildings and other

structures of any character that belong to or are in the possession and are under the control of the Board of School Commissioners of Mobile County, from trespass, vandalism, theft, fire or damage of any character, whether or not of like kind with those just stated, with the authority to use such force as may be reasonably necessary in the performance of their duties under and pursuant to their employment under the authority of this Act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 9:20 A.M.

Act No. 87-281 H. 404—Rep. Breedlove

AN ACT

Relating to Washington County; to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93, and Title 28 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In circumstances not specifically provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35, Section 20-2-93 and Title 28, all of the Code of Alabama 1975, the sheriff of Washington County is hereby authorized to sell at public auction confiscated, abandoned or unclaimed personal property as hereinafter provided.

Section 2. Prior to the sale of property as described in Section 1, the sheriff must advertise such sale, the time and place thereof and a description of the property, at least once a week for four successive weeks in a county newspaper of general circulation. The sheriff or one of his officers must conduct entirely any such public sale, and any proceeds thereof shall be deposited in the pistol permit account for the sheriff's department. Such proceeds shall be used as determined by the sheriff. Except as herein otherwise provided, the procedures for the condemnation and forfeiture of such confiscated or abandoned or unclaimed personal property shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in illegal transportation of alcoholic beverages. Without limiting the generality

of the foregoing sentence, the provisions of §28-4-286 through §28-4-290 shall apply to govern all such proceedings.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-282 H. 194—Rep. Venable

AN ACT

To amend Section 16-8-1, Code of Alabama 1975, so as to authorize county boards of education to establish single member districts and to further amend said section to allow for the apportionment and reapportionment of any established single member districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-8-1, Code of Alabama 1975, is hereby amended to read as follows:

"§16-8-1.

"A. The county board of education shall be composed of five members, who shall be elected by the qualified electors of the county.

"B. County boards of education unless otherwise provided by law may use the provisions of this subsection to establish single member election districts with one board member elected from each district. School boards exercising this option may establish five or seven such districts. Such plan shall be considered only after two weeks public notice has been given, outlining generally the school districts under consideration. The members so elected must be residents of the district in which election is sought. Such residency shall have been established at least one year before the general election at which the candidate is to be elected. The boundaries of such single member districts shall be determined by a majority vote of the county board of education. The county board of education shall apportion the districts according to the last federal decennial census for the

county utilizing the principle of equal representation. Thereafter, each county board of education choosing to implement single member election districts shall reapportion those districts within six months following the publication of the results of each federal decennial census. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the county board of education shall be an employee of said board; provided, that in counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a teacher. Members shall not be required to hold teachers' certificates."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-283 H. 40—Rep. Marks

AN ACT

Relating to Morgan County; authorizing the county to pay all its employees whose compensation is provided for by local act bi-weekly instead of semi-monthly and to repeal all provisions of all local acts which conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. All employees of Morgan County whose compensation is provided for by local acts shall be paid on a bi-weekly basis rather than on a semi-monthly basis.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-284 H. 180—Rep. Parker

AN ACT

To authorize a procedure whereby the Sheriff of Morgan County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Morgan County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two (2) weeks in a newspaper of general circulation published in Morgan County, Alabama, or by posting in a conspicuous place at the Morgan County Courthouse; to provide that the first publication or posting of said notice shall be twenty (20) days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Morgan County, Alabama, may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid to the Sheriff's Department of Morgan County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Morgan County, Alabama, is hereby authorized to sell at public auction, in the manner provided in this act, abandoned and stolen personal property recovered by the Sheriff's Department of Morgan County, Alabama, which said property has remained unclaimed by the rightful owner thereof for a period of six (6) consecutive months.

Section 2. The Sheriff of Morgan County, Alabama, shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the Sheriff's Department of Morgan County, Alabama, which said records shall state the description of the property, the date of recovery of said property, the serial or other identifying number of said property and the place of recovery of said property. Such records shall be open to public inspection at all reasonable times. All abandoned or stolen property recovered by the Sheriff's Department of Morgan County, Alabama, shall be stored in a suitable place to protect the same from deterioration; provided, that if said property be of a perishable nature, after reasonable attempts have been made to locate and identify the owner thereof,

if such attempts be unsuccessful, the same may be sold at once without notice in which case the proceeds shall be held for a period of six (6) months for the account of the owner and if not called for within that period of time, after deducting and paying all expenses incurred in the recovery, storage, maintenance and sale of such property, shall be paid to the Sheriff's Department of Morgan County, Alabama.

Section 3. At least every six (6) months, the Sheriff of Morgan County, Alabama, shall sell at public auction to the highest bidder for cash all abandoned or stolen personal property which has been recovered by the Sheriff's Department of Morgan County, Alabama, and has remained unclaimed by the rightful owner thereof after a period of six (6) months. Said sales are to be made after notice thereof shall have been given by publication in a newspaper of general circulation in Morgan County once a week for two (2) successive weeks or by posting such notice in a conspicuous place at the Morgan County Courthouse for a period of at least twenty (20) days prior to such sale. Such notice shall contain the place, date and time of each such auction and shall further contain a description of each item of personal property to be sold at said auction. If publication of such notice be made by publication in the newspaper, the first notice shall run at least twenty (20) days prior to said auction.

Section 4. The owner of any abandoned or stolen personal property recovered by the Morgan County Sheriff's Department may redeem the same at any time prior to its sale by paying any reasonable expenses incurred in the recovery of the said property, its maintenance and storage and a pro rata share of the costs, if any, of publication of notice of the sale of said property.

Section 5. Whenever any property is sold at public auction as provided in this act, a notation in the storage record book shall be made of the fact of said sale and of the amount received for such property. All sales shall be cash. The person making the sale shall have the right to reject any and all bids if the amount bid be unreasonably low and shall have the right to continue the sale from time to time if no bidders are present.

Section 6. The proceeds from any auction conducted under the authority of this act, after deducting and paying all expenses incurred in the recovery, storage, maintenance and sale of property sold at such auction, shall be paid into the office of the Sheriff of Morgan County, Alabama.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-285 H. 182—Rep. Parker

AN ACT

Relating to Morgan County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court action, instituted outside the State of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of $25.00 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action instituted outside the State of Alabama, whether at law or equity. Said costs shall be collected in the same manner as other court costs in actions instituted or arising outside the State of Alabama.

Section 2. All funds generated by the provisions of this act shall be paid into the general fund of Morgan County, designated for the "Sheriff's Department Fund".

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 12:20 P.M.

Act No. 87-286

H. 346—Reps. Beers, Drake, White (G), Grouby, Payne, White (F), Hamilton, Hooper, Knight, Petelos, Gray, McKee, Butler, Rains, Wright, Logan, Hill, Dillard, Mikell, Kvalheim, Gaston, Blakeney, Hall, Holley, Richardson, Junkins, Curry, Bowling, Adams, Cosby, Blake, Turnham, Carothers, Biddle, Slaughter, Walker, Laird, Beasley, Layson, Breedlove, Mathis, Frazier, Flowers, Johnson (RG), Hammett, Venable, McClain, Turner, Hogan and Moon

AN ACT

To provide that no person shall perform an abortion on an unemancipated minor without parental consent of said minor's parents; to provide for certain exceptions; to provide for alternative court hearing and procedures; and to provide for criminal penalties for violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Purpose and Findings.

(a) It is the intent of the Legislature in enacting this parental consent provision to further the important and compelling state interests of: 1) protecting minors against their own immaturity, 2) fostering the family structure and preserving it as a viable social unit, and 3) protecting the rights of parents to rear children who are members of their household.

(b) The Legislature finds as fact that: 1) immature minors often lack the ability to make fully informed choices that take account of both immediate and long-range consequences, 2) the medical, emotional and psychological consequences of abortion are serious and can be lasting, particularly when the patient is immature, 3) the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related, 4) parents ordinarily possess information essential to a physician's exercise of his best medical judgment concerning the child, and 5) parents who are aware that their minor daughter has had an abortion may better insure that she receives adequate medical attention after her abortion. The Legislature further finds that parental

consultation is usually desirable and in the best interests of the minor.

Section 2. For purposes of this act, the following definitions shall apply:

(a) "Minor" means any person under the age of eighteen (18) years;

(b) "Emancipated minor" means any minor who is or has been married or has by court order otherwise been legally freed from the care, custody and control of her parents;

(c) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant, with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead or dying unborn child.

Section 3. (1) Except as otherwise provided in subsections (2) and (5) of this section and Sections 4 and 5 hereof, no person shall perform an abortion upon an unemancipated minor unless he or his agent first obtains the written consent of either parent or the legal guardian of the minor.

(2)(a) If the minor's pregnancy was caused by sexual intercourse with the minor's natural father, adoptive father or stepfather or legal guardian, then written notice to the minor's mother by certified mail shall be sufficient.

(3) The person who shall perform the abortion or his agent shall obtain or be provided with the written consent from either parent or legal guardian stating the names of the minor, parent or legal guardian, that he or she, is informed that the minor desires an abortion and does consent to the abortion, the date, and shall be signed by either parent or legal guardian. The emancipated minor shall verify on the same form, by her signature and in the presence of such person who shall perform the abortion or his agent, that said signature of the parents, parent or legal guardian is authentic. The consent shall be kept as a part of the minor's patient file for four years.

(4) If the minor is emancipated, the person who shall perform the abortion or his agent shall obtain a written statement stating the name of the emancipated minor, that the minor is emancipated, the type of emancipation, the date and shall be signed by the minor. The written statement shall be signed in the presence of the person who shall perform the abortion or his agent and witnessed by him or the agent. The emancipated minor shall also provide a license or

certificate of marriage, judgment or decree of divorce, order of emancipation or relieving her of the disabilities of nonage, or other court document evidencing her marriage, divorce, or emancipation. A copy of any such document shall be attached to the written statement and kept as a part of the minor's patient file for four years.

(5) A minor who elects not to seek or does not or cannot for any reason, including unavailability or refusal by either or both parents or legal guardian, obtain consent from either of her parents or legal guardian under this section, may petition, on her own behalf, the juvenile court, or court of equal standing, in the county in which the minor resides or in the county in which the abortion is to be performed for a waiver of the consent requirement of this section pursuant to the procedure of Section 4 of this act.

Section 4. (1) A minor who elects not to seek or does not or cannot for any reason, obtain consent from either of her parents or legal guardian, may petition, on her own behalf, the juvenile court, or the court of equal standing, in the county in which the minor resides or in the county in which the abortion is to be performed for a waiver of the consent requirement of this act. Notice by the court to the minor's parents, parent or legal guardian shall not be required or permitted. The requirements and procedures under this act shall apply and are available to minors whether or not they are residents of this state.

(2) The minor may participate in proceedings in the court on her own behalf. The court shall advise her that she has a right to be represented by an attorney and that if she is unable to pay for the services of an attorney one will be appointed for her. If the court appoints an attorney to represent her such attorney shall be compensated as provided in Code of Alabama (1975), Section 15-12-21. If the minor petitioner chooses to represent herself, such pleadings, documents or evidence that she may file with the court shall be liberally construed by the court so as to do substantial justice. Hearsay evidence shall be admissible.

(3) The court shall insure that the minor is given assistance in preparing and filing the petition and shall insure that the minor's identity is kept confidential. Such assistance may be provided by court personnel including intake personnel of juvenile probation services.

(4) The petition required in Section 3 (5) shall be made under oath and shall include all of the following:

(a) A statement that the petitioner is pregnant;

(b) A statement that the petitioner is unmarried, under eighteen (18) years of age, and unemancipated;

(c) A statement that the petitioner wishes to have an abortion without the consent of either parent or legal guardian;

(d) An allegation of either or both of the following:

(i) That the petitioner is sufficiently mature and well enough informed to intelligently decide whether to have an abortion without the consent of either of her parents or legal guardian.

(ii) That one or both of her parents or her guardian has engaged in a pattern of physical, sexual, or emotional abuse against her, or that the consent of her parents, parent or legal guardian otherwise is not in her best interest.

(e) A statement as to whether the petitioner has retained an attorney and the name, address and telephone number of her attorney.

(5) Court proceedings shall be given such precedence over other pending matters as is necessary to insure that the court may reach a decision promptly, but in no case, except as provided herein, shall the court fail to rule within seventy-two (72) hours of the time the petition is filed, Saturdays, Sundays, and legal holidays excluded. Provided, however, this time requirement may be extended on the request of the minor. If a juvenile court judge is not available for the hearing provided herein, the clerk of the court in which the petition was filed shall forthwith notify the presiding circuit court judge and the presiding circuit court judge of the circuit shall immediately appoint a district or circuit court level judge to hear the petition.

(6) The required consent shall be waived if the court finds either:

(a) That the minor is mature and well-informed enough to make the abortion decision on her own; or

(b) That performance of the abortion would be in the best interest of the minor.

(7) A court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record of the evidence be maintained for at least four years. A transcript of the proceedings shall be recorded and if there is an appeal as provided in subsection (8), a transcript of the proceedings shall be prepared forthwith.

(8) An expedited confidential and anonymous appeal shall be available to any minor to whom the court denies a waiver of consent. If notice of appeal is given, the record of appeal shall be completed and the appeal shall be perfected within five (5) days from the filing of the notice of appeal. Briefs shall not be required but may be

permitted. Because time may be of the essence regarding the performance of the abortion, the Alabama Supreme Court shall issue promptly such additional rules as it deems are necessary to insure that appeals under this section are handled in an expeditious, confidential and anonymous manner.

(9) All proceedings under this act shall be confidential and anonymous. In all pleadings or court documents, the minor shall be identified by initials only.

(10) No fees or costs shall be required of any minor who avails herself of the procedures provided by this section.

Section 5. This act shall not apply when, in the best clinical judgment of the attending physician on the facts of the case before him, a medical emergency exists that so compromises the health, safety or well-being of the mother as to require an immediate abortion. A physician who does not comply with Sections 3 and 4 of this act by reason of this exception shall state in the medical record of the abortion, the medical indications on which his judgment was based.

Section 6. Any person who intentionally performs or causes to be performed an abortion in violation of the provisions of this act or intentionally fails to conform to any requirement of this act, shall be guilty of a Class A misdemeanor. Any person found guilty under this section shall immediately forfeit any professional license they may hold.

Section 7. No physician who complies with the parental consent requirements of this act shall be liable in any manner to the minor upon whom the abortion was performed for any claim whatsoever arising out of or based on the disclosure of any information concerning the medical condition of such minor to her parent(s) or legal guardian(s); provided that a physician who performs an abortion pursuant to a court order obtained under the provisions of this Act, shall not disclose any information regarding same to the parent(s) or legal guardian(s) of the minor unless such disclosure is made pursuant to a court order. In no event shall the physician be under any duty to initiate proceedings in any court to secure a waiver of the parental consent requirement on behalf of any minor who has requested that an abortion be performed.

Section 8. (1) Records and information involving court proceedings conducted pursuant to Section 4 of this act shall be confidential and shall not be disclosed other than to the minor, her attorney and necessary court personnel. Nothing in this subsection shall prohibit the keeping of statistical records and information as long as the anonymity of the minor is in no way compromised.

(2) Any person who shall disclose any records or information made confidential pursuant to subsection (1) of this section shall be guilty of a Class C misdemeanor.

(3) Provided, however, any person who performs abortions, or his agent, shall furnish to the bureau of vital statistics, on confidential forms furnished by the bureau, the following: 1) the number of abortions performed on each unemancipated and emancipated minors with written consent; 2) the number of abortions performed on each unemancipated and emancipated minors pursuant to juvenile or other court proceedings pursuant to Section 3(5) of this act; and 3) the number of abortions performed pursuant to Section 5 of this act in each unemancipated and emancipated minors. Such reporting shall be provided annually as prescribed by the bureau of vital statistics which shall be retained by the bureau for at least seven years. Such information prescribed shall include nonconfidential statistics, including but not limited to: age, race and education level of minor.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. The provisions of this act are severable. If any part, word or phrase of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 25, 1987

Time: 9:20 A.M.

Act No. 87-287 H.J.R. 112—Rep. Richardson

HOUSE JOINT RESOLUTION

ENDORSING THE IMPROVEMENTS OF THE MANAGEMENT STRUCTURE FOR THE TENNESSEE VALLEY AUTHORITY.

WHEREAS, the Tennessee Valley Authority in the past was of great usefulness to the people of North Alabama by taming the Tennessee River, helping bring electricity to remote rural areas, encouraging economic development through the availability of low-cost electric energy for industry, developing of new fertilizers to increase farm production, and fostering of unified resource development activities; and

WHEREAS, the future economic well-being of the people of North Alabama depends on the efficient and economical operation of the Tennessee Valley Authority which requires the highest degree of strong, experienced, professional management for the authority; and

WHEREAS, the future direction of the Tennessee Valley Authority requires sensitivity and responsiveness to the needs of the people of the entire Tennessee Valley service area; and

WHEREAS, legislation has been proposed in the U.S. Congress to provide the Tennessee Valley Authority with a broadly-based, representative, responsive policy-making Board of Directors; and

WHEREAS, the same legislation would enable the Tennessee Valley Authority to employ a strong, experienced executive officer to operate the corporation in the most efficient and economical manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the improvements for the Tennessee Valley Authority's management structure as called for in H.R. 2025, 100th Congress.

BE IT FURTHER RESOLVED, That Alabama's U.S. Senators and U.S. Representatives are hereby urged to sponsor H.R. 2025 or similar legislation and work for the approval of the proposal in the U.S. Congress.

RESOLVED FURTHER, That copies of this resolution be conveyed to members of the U.S. Congress from the State of Alabama and the other states served by the Tennessee Valley Authority.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-288 H.J.R. 120—Rep. Warren

HOUSE JOINT RESOLUTION

EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, the Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; and therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed $7,500, which shall be paid from any funds appropriated for the use of the Legislature.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-289 H.J.R. 247—Rep. Bowling

HOUSE JOINT RESOLUTION

REQUESTING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A STAMP COMMEMORATING THE 100TH ANNIVERSARY OF THE PROFESSION OF CHIROPRACTIC.

WHEREAS, it will soon be the 100th Anniversary of the Profession of Chiropractic; and

WHEREAS, this noble profession has done much to alleviate pain and suffering to untold thousands; and

WHEREAS, it has been the custom of the United States Postal Service in the past to commemorate similar anniversaries of other professions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most strongly urge and recommend to the Postmaster General of the United States that he issue a commemorative postage stamp to commemorate the 100th Anniversary of the Profession of Chiropractic.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the Postmaster General of the United States.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-290 H.J.R. 335—Rep. Gaston

HOUSE JOINT RESOLUTION

RECOGNIZING EDWARD LEON WHITE FOR OUTSTANDING SERVICE TO PUBLIC EDUCATION IN MOBILE COUNTY, 1954-1987.

WHEREAS, in public acknowledgment and with highest esteem the Alabama Legislature notes the distinguished service of Edward Leon White to the public schools of Mobile County, Alabama, from 1954 to 1987; and

WHEREAS, a graduate of Howard College with the B.A. degree, Dr. White also holds the B.D. and M.D. degrees from Southwestern Baptist Theological Seminary, the M.Ed. degree from Auburn University and the Ed.D. degree from the University of Alabama; and

WHEREAS, Dr. White also is a United States military veteran, having served with the Army Ground Forces, 45th Infantry, in Africa, Italy, France and Germany from 1943 to 1945; and

WHEREAS, Dr. Edward White, during his tenure with the Mobile County Public School System, has served variously as teacher, assistant principal, acting principal, principal, assistant superintendent in charge of local school administration, area supervisor and as assistant superintendent of high school instruction; and

WHEREAS, he further has served the educational field as a lecturer at Auburn University, University of Southern Mississippi, Mobile College and the University of South Alabama; he is a member of several fraternal organizations including Pi Gamma Mu, Phi Kappa Phi, Kappa Phi Kappa and Phi Delta Kappa, and has held numerous positions of responsibility and leadership in civic, educational, community and church organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to his profession and the community, we hereby commend Edward Leon White of Mobile, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-291 H.J.R. 332—Rep. Kennedy

HOUSE JOINT RESOLUTION

ENCOURAGING THE ALABAMA COLLEGE SYSTEM TO BEGIN PROGRAMS TO TRAIN CHILD CARE WORKERS IN CHILD DEVELOPMENT PRINCIPLES AND OTHER JOB RELATED SKILLS.

WHEREAS, pursuant to the Report of the Joint Governor's/ Legislative Task Force on Child Day Care (April 1987), the development of child care worker training programs in community, junior, and technical colleges, could serve as a low cost, accessible means of raising the professional level of child care givers; and

WHEREAS, such training programs can help meet a growing demand for qualified staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge The Alabama College System to begin programs to train child care workers in child development principles and other job related skills.

RESOLVED FURTHER, That a copy of this resolution be sent to the State Department of Education and The Alabama College System for distribution to appropriate institutions.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-292 H.J.R. 333—Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING DR. SHIVA P. SINGH FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS TO ALABAMA STATE UNIVERSITY.

WHEREAS, Alabama State University has received a $1.6 million biomedical research grant from the National Institute of Health and the acquisition of this most recent award, the largest in the 113-year history of the university, is entirely to the credit of Dr. Shiva P. Singh, distinguished Professor of Biology and Director of Scientific Research at Alabama State who has been instrumental in securing previous research and training grants totaling more than $1 million; and

WHEREAS, Dr. Singh, who joined the ASU faculty in 1976, and has since been successively elevated to positions of higher prestige, was formerly associated with Auburn University and with Tuskegee University as a graduate teaching and research assistant and as research associate, respectively; and

WHEREAS, he is a graduate of Pant University of Agriculture and Technology, India, where he earned the B.S. and M.S. degrees, and he holds the Ph.D. degree in Microbiology from Auburn University; Dr. Singh has further received other special training and

experience at a number of distinguished universities, laboratories and institutes of health; and

WHEREAS, under the direction of Dr. Singh, the Bethesda Institute of Health Award to Alabama State University will be used to support biomedical projects through the year 1991 and, more specifically to fund the search for antibodies to combat salmonella typhimurium, a debilitating and common type of food poisoning; the grant also will be used to support other research programs, including two separate cancer studies, and will provide funds for equipment, student stipends and tuition, additional equipment, and for bringing distinguished scientists from throughout the country to the ASU campus for purposes of consultation and as seminar presenters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to Alabama State University, we hereby commend Dr. Shiva P. Singh, a distinguished scientist and biomedical researcher of international acclaim, an Alabamian in whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-293 H.J.R. 334—Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING PRESIDENT LEON HOWARD OF ALABAMA STATE UNIVERSITY.

WHEREAS, Dr. Leon Howard, President of Alabama State University since August 1984, has been affiliated with said institution for the past 28 years as a student and alumnus; as Assistant Registrar shortly after graduation; and in succeeding years as Director of Admissions (1969-1971); Vice-President for Academic Affairs (1973-1976); Interim President (1983-1984); and in his present leadership capacity for the past several years, a tenure that has been greatly marked in accomplishment and in progress for his alma mater; and

WHEREAS, Dr. Howard, a native of Mobile and a 1959 graduate of Alabama State University's Mobile Branch Junior College, received the Bachelor of Science degree from Alabama State in 1963 and holds the Master of Science degree from Indiana University, the

Doctor of Education from Ball State University, and was awarded an Advanced Study Fellowship by the Ford Foundation and an Administrative Internship by the Academic Affairs Conference on Mid-western Universities; and

WHEREAS, he is a former classroom teacher, a veteran of the United States Army with two years of active duty, including an assignment in Korea, and has further served as Associate Professor of Education, and Assistant Dean of Academic Affairs and Director of Freshman Studies at Mississippi's Jackson State University; and

WHEREAS, active in both civic and professional affairs, Dr. Howard holds membership in a number of educational and administrative associations, honor societies and fraternal organizations, and serves on the Health Committee of the American Association of State Colleges and Universities, and the Board of Directors of the National Association for Equal Opportunity in Higher Education; and

WHEREAS, he is a member and Trustee of Montgomery's Hutchinson Street Baptist Church, a 33rd Degree Mason and a Shriner, a member of the Montgomery Lion's Club and serves on the boards and committees of many charitable, health care, cultural and community organizations; and

WHEREAS, Dr. Leon Howard is indeed one of Montgomery's, Alabama's and the nation's most prominent educators and he is to be commended for distinguished service, both to Alabama State University and to the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and honor Dr. Leon Howard for outstanding leadership of Alabama State University, and do further direct that he receive a copy of this resolution of warmest personal regard.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-294 H.J.R. 306—Rep. Moon

HOUSE JOINT RESOLUTION

DESIGNATING AUGUST 22, 1987, AS "BOB MITCHELL DAY" IN THE STATE OF ALABAMA.

WHEREAS, the late Bob Mitchell from Marshall County, Alabama, was a longtime and noted Gospel singer who, for many years, sang with The Friendly Four Quartet of said county; and

WHEREAS, Mr. Mitchell's outstanding talent was recognized through requests and subsequent appearances throughout the Southland and the demand for these performances dated from the early years of Gospel Music; and

WHEREAS, he also conducted a music school for a great number of years and sang for funerals on innumerable occasions; and

WHEREAS, Bob Mitchell further was inducted into The Alabama Gospel Music Hall of Fame and, to pay tribute to his many outstanding achievements, "The Bob Mitchell Day" is scheduled for August 22, 1987, at Civitan Park, Guntersville, Alabama, and is sponsored by the Alabama Country Gospel Music Association; and

WHEREAS, in recognition of the fame and honor Bob Mitchell brought to Marshall County, the State of Alabama and to our Southland, the Legislature also desires to honor Mr. Mitchell and his prestigious contributions in the field of Gospel Music; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate August 22, 1987, as "Bob Mitchell Day" in the State of Alabama and do further direct that Mr. Mitchell's family receive a copy of this posthumous commendation of the Alabama Legislature.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-295 H.J.R. 307—Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING SAMUEL TERRELL HARDIN OF MONTGOMERY, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, notes the election of Samuel Terrell Hardin of Montgomery, Alabama, as an Associate Fellow in the American College of Apothecaries; and

WHEREAS, a graduate of Samford University School of Pharmacy and the University of Alabama, Mr. Hardin currently is a Pharmacist Consultant in Professional Services, Administration for the Alabama Medicaid Agency in the State of Alabama, and is active in a number of professional pharmacy associations including Kappa

Psi Pharmaceutical fraternity, the Alabama Pharmaceutical Association which he served as 6th District Vice President, and the Association of Medicaid Pharmacy Administrators as executive secretary; and

WHEREAS, Mr. Hardin, whose dedicated professionalism has been recognized through such bestowals as citations from both the U. S. Department of Health and Human Services and the Alabama Pharmaceutical Association, also has made several presentations and is a contributor to a number of highly prestigious journals and publications; and

WHEREAS, also, in further extension of his activities, Mr. Hardin has given generously of his time in service to the community; he is a former member of the Kiwanis Club in Centreville, Alabama, and the Centreville Baptist Church where he was ordained a deacon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and service, we hereby commend Samuel Terrell Hardin of Montgomery, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-296 H.J.R. 308—Reps. Rains, Haynes, Johnson (RG), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey,

Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

HONORING JOHN L. GRANGER FOR OUTSTANDING ACHIEVEMENT AND FOR HIS CONTRIBUTIONS TO THE BLIND THROUGHOUT AMERICA.

WHEREAS, a native of Cottonwood, Alabama, and a graduate of the Alabama School for the Blind in Talladega in 1944, John L. Granger has devoted his lifetime to helping the blind through educational and training programs and by providing job opportunities for blind and otherwise handicapped citizens; and

WHEREAS, Mr. Granger, who is a former salesman and businessman, served as plant manager for Industries for the Blind in Talladega from 1958 to 1967; since that time, however, he has served as president of Royal Maid Association for the Blind in Hazlehurst, Mississippi; and

WHEREAS, formerly the Modglin Company, an all-sighted industry with annual sales of $1.9 million, the company was purchased in 1966 by National Industries of the Blind and was converted to a model demonstration workshop for the blind; and

WHEREAS, under John Granger's direction and leadership, Royal Maid's progress was swift and continues to reach to higher heights of achievement; the company's sales now exceed $16 million annually and Royal Maid boasts a workforce of more than 400 persons, at least 75% of whom are within the legal definition of blindness; and

WHEREAS, in total sales, total number of employees and number of blind employees, Royal Maid is the leader among all blind industries in America, and Mr. Granger is indeed to be honored for his leadership in helping to improve the quality of life for the blind citizens of this country; and

WHEREAS, Mr. Granger further has worked tirelessly through affiliation with numerous organizations, associations, schools and community programs for the blind, and it is with great honor and privilege that we recognize his contributions and labors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John L. Granger for outstanding achievement and contributions to the blind throughout America.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Granger, a beloved native son in whom we are justly proud.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-297 H.J.R. 309—Reps. Higginbotham, Adams and Williams

HOUSE JOINT RESOLUTION

NAMING CLASSROOM-ADMINISTRATION BUILDING OF TROY STATE UNIVERSITY AT PHENIX CITY RALPH W. ADAMS HALL.

WHEREAS, Dr. Ralph W. Adams was instrumental in the establishment of the Troy State University program at Phenix City in 1975; and

WHEREAS, he nurtured and supervised with brilliance and diligence its growth into a major educational opportunity for the Phenix City community and citizens of Alabama; and

WHEREAS, Dr. Adams was able to foresee the need for such a new classroom-administration facility and was instrumental in the allocation of funds for its construction; and

WHEREAS, it is both fitting and proper that such extraordinary leadership be publicly recognized with the greatest possible degree of permanence; now therefore;

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE OF ALABAMA CONCURRING, That the new Classroom-Administration Building of Troy State University at Phenix City be henceforth named Ralph W. Adams Hall, as a fitting tribute to the significant contributions he has made toward the development of the Phenix City educational program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Ralph W. Adams.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-298

H.J.R. 310—Reps. Flowers, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING THE TROY STATE UNIVERSITY BASEBALL TEAM ON WINNING ITS SECOND CONSECUTIVE NCAA DIVISION II NATIONAL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama takes great pride in the fact that Troy State University's baseball team, under Head Coach Chase Riddle, successfully defended its NCAA Division II National Title in our state's capital city of Montgomery; and

WHEREAS, the 1987 team continued its impressive string of 22 consecutive postseason victories enroute to again winning Gulf South Conference, NCAA South Central and National Titles; and

WHEREAS, the Trojan baseball team displayed the sportsmanship and gentlemanliness that has come to typify teams representing their proud institution; and

WHEREAS, this team moreover showed strength of character, discipline, and an exemplary winning attitude after getting off to a slow start, then rebounding and regrouping into a championship caliber ball club; and

WHEREAS, the young men of this fine team have brought honor again to their school, their families, and our home state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our praise and applause to Coach Riddle and his 1987 team.

BE IT FURTHER RESOLVED, That each member of this team, its coaches, Troy State Chancellor Ralph W. Adams and Athletics Director Robert Stewart receive copies of this resolution that they may evermore have evidence of our pride in their accomplishment.

RESOLVED FURTHER, That we wish these young men continued success in their endeavors, and may they always face future challenges with the grace, dignity and courage they so manifestly demonstrated on the baseball diamond in the championship year of 1987.

Approved June 29, 1987

Time: 9:40 A.M.

Act No. 87-299 H.J.R. 312—Rep. Carter

HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 81-418, H. 857, REGULAR SESSION 1981 (ACTS 1981, P. 661), PROVIDING EXPENSE ALLOWANCES FOR CERTAIN COUNTY OFFICIALS IN LIMESTONE COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare and state that the legislative intent of Act No. 81-418,

H. 857, Regular Session 1981 (Acts 1981, p. 661) in which section 2 of said act provided certain sums for certain county officers in Limestone County, i.e.,: the chairman of the county commission, each member of the county commission, the tax collector, the tax assessor, the sheriff and the coroner and each should be paid the stated sum each month as an expense allowance until such time in the future as the Legislature shall specifically otherwise provide.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the appropriate county officers and the county treasurer or comptroller.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-300 H.J.R. 313—Rep. Knight

HOUSE JOINT RESOLUTION

COMMENDING MRS. ELIZABETH H. SMITH UPON HER SELECTION AS PRINCIPAL OF THE YEAR BY THE UNIVERSITY OF MONTEVALLO.

WHEREAS, Mrs. Elizabeth H. Smith, Principal, Inverness Elementary School in Shelby County, has been selected by a distinguished panel of judges to be the 1987 recipient of the Lawrence Malone Award which annually is presented to an outstanding principal in Alabama; and

WHEREAS, Mrs. Smith has distinguished herself in the field of education beginning in Florida at Love Grove Elementary School and, prior to being selected as principal of Inverness Elementary School, Elizabeth Smith served as assistant principal at Valley Elementary School; and

WHEREAS, having received her B.S. degree from Jacksonville University in Jacksonville, Florida, Mrs. Smith later received her Master's and Educational Specialist degrees at the University of Montevallo; and

WHEREAS, Mrs. Smith is extremely active in community activities including service on the Board of Directors of the Shelby County Arts and Humanities Council and the Governing Board of the University of Montevallo Inservice Education and Research Center; and

WHEREAS, Elizabeth Smith and her husband, Dale C. Smith, are the parents of two daughters, Allison and Kelly; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Elizabeth H. Smith of Shelby County, Alabama, for outstanding professional achievement and as the recipient of the University of Montevallo's prestigious Lawrence Malone Award.

BE IT FURTHER RESOLVED, That in token of our esteem, a copy of this resolution shall be provided for Mrs. Smith.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-301

H.J.R. 314—Reps. Knight, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G),

White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING CHARLES W. BRITNELL FOR OUTSTANDING ACHIEVEMENT AND AS THE RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S KERMIT MATHISON AWARD.

WHEREAS, it is with great personal pride that the Legislature of Alabama notes the selection of our distinguished colleague, Charles W. Britnell, as the recipient of the Kermit Mathison Award, an annual and prestigious recognition by the University of Montevallo of an outstanding junior college administrator; and

WHEREAS, Charles Britnell, president of Northwest Alabama State Junior College at Phil Campbell, Alabama, since 1981, previously served the college as Counselor and Instructor in Behavioral Sciences, as Chairman of the college's Human Development and Social Science Division, and as Director of Talent Research; he further is a former Minister of the South Hill, Virginia, Church of Christ, Chief Supervisor of the Dallas County, Texas, Juvenile Home, real estate broker, building contractor, high school teacher, coach and guidance counselor, and a former Coordinator of Counseling Services for Franklin County, Alabama; and

WHEREAS, he holds the B.A. degree from David Lipscomb College, the M.Ed. degree from North Texas State University, a LHD degree from the University of North Alabama, and has completed additional graduate work at UNA and the University of Alabama; and

WHEREAS, a former State Senator and now serving in the Alabama House of Representatives, Mr. Britnell has been a member of the Alabama Legislature since 1978 and has continued his Church of Christ Ministry for the past 36 years; and

WHEREAS, Charles Britnell is indeed eminently qualified for his position at Northwest Alabama Junior College and has received numerous awards and honors which reflect his ability, dedication and commitment to higher education; his professional credentials are impeccable and his professional affiliations are enviably impressive; and

WHEREAS, Mr. Britnell, however, has extended his involvement to include many cultural, civic and community affairs, and he is a director, trustee and officer in a number of organizations, associations, educational institutions and charities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as the recipient of the University of Montevallo's Kermit Mathison Award, we hereby commend our colleague, Charles W. Britnell of Russellville, Alabama, whom we hold in friendship and esteem, and to whom a copy of this resolution shall be presented.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-302 H.J.R. 336—Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE SELMA HIGH SCHOOL OLYMPICS OF THE MIND TEAM.

WHEREAS, it is with warm personal pride and pleasure that the Legislature of Alabama extends heartiest congratulations to the students of Selma High School who won top state honors in the "Olympics of the Mind" competition held in Tuscaloosa, Alabama, in March 1987; and

WHEREAS, the champion Selma High School team consists of students Travis Bartee, Jeremy Cruce, Jennifer Hubert, Janan Sackett, Lance Thompson and Jennifer Williamson, and the team's coaches are Stephen C. Williamson and Sheila Williamson; and

WHEREAS, Olympics of the Mind is a competition designed to give our youth the opportunity for experimental search for alternate solutions to difficult problems, thereby enabling them to be prepared, as adults, for an innovative approach to unusually difficult problems in maturity; and

WHEREAS, it is further to be noted that as a result of its first place showing in statewide competition, the Selma High School team qualified for the World Olympics in Mount Pleasant, Michigan, to face representatives from the majority of the states and from several other countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Selma High School Olympics of the Mind Team, and coaches Stephen C. Williamson and Sheila Williamson, each of whom shall receive a copy of this resolution in small token of our sincere warm praise and regard.

BE IT FURTHER RESOLVED, That copies also be provided for each member of the team and for appropriate display at Selma High School.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-303 H.J.R. 337—Rep. Slaughter

HOUSE JOINT RESOLUTION

COMMENDING DARRELL C. MCCLAIN, RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S KERMIT JOHNSON AWARD.

WHEREAS, the Kermit Johnson Award is a prestigious bestowal of the University of Montevallo and is annually conferred upon an outstanding superintendent of schools in the State of Alabama; and

WHEREAS, it is therefore with highest commendation that the Alabama Legislature notes the selection of Darrell C. McClain, Superintendent of the Mountain Brook City Schools, as the recipient of this distinguished honor for 1987; and

WHEREAS, a native of Senath, Missouri, Darrell McClain is a graduate of Senath High School and is a United States Army veteran of the Korean Conflict; he holds the B.S. and M.S. degrees from Arkansas State University, the M.S. and Ed.S. degrees from the University of Tennessee, the Ph.D. degree from George Peabody College, and has completed advanced graduate and post doctoral work at the University of Southern Illinois and at Vanderbilt University, respectively; and

WHEREAS, Dr. McClain, in former professional involvement, has served as high school teacher, coach and guidance counselor with the Senath Public Schools; Director of Guidance Services for the Perryville, Missouri, Public Schools; Director of the Peabody Demonstration School; and as an assistant professor at Peabody College; and

WHEREAS, joining the Mountain Brook City School System as principal of Mountain Brook High School, he has since held the position of Assistant Superintendent and, for the past six of his eleven-year tenure with the system, has served as superintendent; and

WHEREAS, Dr. McClain, who is indeed outstanding in his field, has served his profession through additional participation in such

areas as state school funding, textbooks, certification and other school studies, and through affiliation and leadership positions with such organizations as the 5th District Superintendents' Organization and the State AASA, among others; and

WHEREAS, also, in community service, Dr. McClain is active with the Boy Scouts program and is a member and past president of the Mountain Brook Lions Club and a member of the board of directors of the Alabama School for the Blind; he further is the recipient of a number of honors including the Distinguished Service Award for Leadership and Outstanding Service to the Alabama Association of School Administrators; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and as the recipient of the Kermit Johnson Award, we hereby commend Darrell C. McClain of Mountain Brook, Alabama, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-304 H.J.R. 338—Reps. Williams, Beasley, Mathis and Carothers

HOUSE JOINT RESOLUTION

COMMENDING THE 1987 WALLACE COLLEGE GOVERNORS' BASEBALL TEAM AND COACH SAMMY FRICHTER FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the George C. Wallace State Community College-Dothan Baseball Team has recently won the Alabama Junior College Baseball Championship; and

WHEREAS, the team, the Wallace College Governors, has won the State Championship in 1980 and 1983, as well as in 1987; and

WHEREAS, the team proudly represented the State of Alabama in the Southeast U.S. District playoffs where they finished in second place; and

WHEREAS, five Wallace College Governors have been named to the 1987 Alabama All-Tournament Team; and

WHEREAS, six Wallace College Governors have been named to the 1987 Southeast U.S. District All-Tournament Team; and

WHEREAS, the coach of the Wallace College Governors, Sammy Frichter, has been named 1987 Alabama Junior College Baseball Coach of the Year; and

WHEREAS, Coach Frichter won his 400th game for Wallace College on Saturday, April 25, 1987, defeating Faulkner State Junior College by a score of 6-5; and

WHEREAS, Coach Frichter has compiled an overall record of 408 wins and 214 losses from 1974 through 1987 while coach at Wallace College; and

WHEREAS, the baseball program at Wallace College has been instrumental in the development of thirteen professional baseball players; and

WHEREAS, from 1974 through 1987, eighty-five young men have been able to continue their educaton through university athletic transfer scholarships awarded for their performance with the Wallace College Governors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby issue this resolution to honor the 1987 Wallace College Governors' Baseball Team and their coach, Sammy Frichter, for their accomplishments this year and for fourteen years of outstanding athletic achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Frichter and to Dr. Nathan L. Hodges, President of George C. Wallace State Community College, in recognition of the leadership provided for this exemplary baseball program.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-305 H.J.R. 176—Rep. Campbell

HOUSE JOINT RESOLUTION

SUSTAINING THE SUSPENSION OF DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on September 24, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Department of Conservation and Natural Resources' Rule No. 220-3-.11, relating to:

Red Drum (Redfish) and Spotted Seatrout, so as to make correct reference to the Federal Fisheries Conservation Zone ("FCZ"); to

delete reference to "where licenses are not required" as such language relates to the "FCZ"; to prohibit importation for sale or shipment of spotted seatrout or red drum from the FCZ where such fish are in violation of any other applicable departmental regulation relating to possession and size limitations; and the wording relating to daily logs, published July 31, 1986, in Volume IV, No. 10, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Conservation and Natural Resources' proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-306 H.J.R. 177—Rep. Campbell

HOUSE JOINT RESOLUTION

SUSTAINING THE SUSPENSION OF A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on July 30, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed new Rule 220-2-.91 of the Department of Conservation and Natural Resources, relating to:

"Hunting From Tree Stands," which shall prohibit hunters (other than bow hunters) from hunting from any elevated hunting stand within 100 yards of an adjoining landowner's real property without the adjoining landowner's permission, published June 30, 1986, in Volume IV, No. 9, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed new rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Conservation and Natural Resources' proposed new rule by the Joint Committee on Administrative Regulation Review are hereby sustained.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-307 H.J.R. 178—Rep. Campbell

HOUSE JOINT RESOLUTION

SUSTAINING THE SUSPENSION OF A BOARD OF CHIROPRACTIC EXAMINERS RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on September 16, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Board of Chiropractic Examiners' Rule No. 190-X-1-.02, relating to:

"Composition and Selection of the Board of Chiropractic Examiners," published July 31, 1986, in Volume IV, No. 10, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Board of Chiropractic Examiners' proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-308 H.J.R. 179—Rep. Campbell

HOUSE JOINT RESOLUTION

SUSTAINING THE SUSPENSION OF A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on September 24, 1986, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Department of Conservation and Natural Resources' Rule No. 220-3-.03, relating to: prohibition of gill nets of less than 750 feet in the inside waters; to delete the reference to redfish in presently numbered paragraphs (11) and (12) of said rule; providing for a daily catch and maximum and minimum length limits for all persons, firms, or corporations for redfish taken from within or

without the waters of Alabama for both commercial and non-commercial purposes; and to establish a daily catch limit for King Mackerel, published July 31, 1986, in Volume IV, No. 10, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Conservation and Natural Resources' proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-309

H.J.R. 300—Reps. Blake, McKee, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole,

Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

REQUESTING THE GOVERNOR TO PROCLAIM SEPTEMBER 17, 1987, AS "UNITED STATES CONSTITUTION DAY" IN ALABAMA.

WHEREAS, the Legislature of Alabama notes that the United States Constitutional Convention began in Philadelphia, Pennsylvania, on May 25, 1787, and lasted until September 17, 1787; and

WHEREAS, this year the American people will celebrate the bicentennial anniversary of the creation of this great document; and

WHEREAS, the Constitution embodies many freedoms that our citizens now take for granted, including freedom of speech and religion, prohibitions against warrantless searches and self-incrimination and the right to a speedy trial; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor proclaim September 17, 1987, as "United States Constitution Day" in Alabama in order to honor this most fundamental law of our land and the founding fathers whose foresight created it.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-310 H.J.R. 301—Rep. Turnham

HOUSE JOINT RESOLUTION

HONORING MRS. PEGGY L. SCARBOROUGH ON HER DISTINGUISHED TENURE WITH AUBURN UNIVERSITY.

WHEREAS, Mrs. Peggy L. Scarborough is retiring after 26 years of loyal and devoted service to Auburn University; and

WHEREAS, Mrs. Scarborough has rendered outstanding service to the University throughout this time, serving in several responsible

positions in the Business Office, the last of which was Budget Director; and

WHEREAS, she has been known for her knowledge, efficiency, compassion, helpfulness and willingness to assist others throughout her productive career; and

WHEREAS, Mrs. Scarborough has exemplified the highest ideals of honesty, integrity and ethical standards throughout her many years of employment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we acknowledge the contributions of this outstanding person to Auburn University and the people of Alabama, and that we commend her for these years of service.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Scarborough and her family so that they will know of our deep appreciation for her efforts on behalf of the University.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-311 H.J.R. 302—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING BYRON SKIDMORE OF CITRONELLE, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of commendation, congratulates Byron Skidmore for outstanding achievement as one of our state's most accomplished young athletes; and

WHEREAS, Byron Skidmore is a 1985 graduate of Citronelle High School where he was named Most Valuable Player and also received an award as best hitter; he further was named all-conference and played in the North-South All-Star game at Montevallo; and

WHEREAS, now attending Patrick Henry State Junior College in Monroeville, Alabama, Byron was second in the state in hitting last year and, this year, is third; with awards for best hitter determined by the highest batting average, Byron's averages were .433 and .439; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Byron Skidmore of Citronelle, Alabama, on his many distinguished baseball awards, and direct that he receive a copy of this resolution which expresses our esteem and our best wishes for every future success in life.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-312 H.J.R. 303—Rep. Black

HOUSE JOINT RESOLUTION

COMMENDING GENEVA P. CHAMBERS OF EUTAW, GREENE COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the acquisition of the Bachelor's degree in education from Stillman College by Geneva P. Chambers of Eutaw, Greene County, Alabama; and

WHEREAS, Mrs. Chambers, who is a 60-year-old mother, grandmother and great-grandmother, achieved this outstanding goal following an ambitious pursuit of 17 years, during which period she acquired the GED high school diploma equivalency at Livingston State University, attended night classes at the Eutaw branch of Miles College, day classes at Livingston State, and through full-time attendance at Stillman for the past two and one-half years; and

WHEREAS, entirely supportive of Mrs. Chambers' successful effort was her husband, John H. Chambers, a farmer and one of the first Blacks to serve on the Greene County Commission, and equally supportive were her eleven children, all of whom are engaged in successful and rewarding careers; and

WHEREAS, we further note with praise that Mrs. Chambers is seeking teacher certification and, as a professional educator, would indeed serve as an exemplar to her students and a credit to her profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby commend and congratulate Geneva P. Chambers of Greene County, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-313 H.J.R. 304—Rep. Curry

HOUSE JOINT RESOLUTION

HONORING JOHN BRADLEY FOR HIS 26 YEARS OF DISTINGUISHED SERVICE AS CHIEF OF THE HUEYTOWN FIRE DEPARTMENT.

WHEREAS, the May 31, 1987, retirement of John Bradley brought to a close his distinguished tenure of 26 years service as Chief of the Hueytown Fire Department; and

WHEREAS, Chief Bradley, who served under five different mayors, directed his department in phenomenal growth from just three firefighters and one engine to a staff of 13; also during this period the population of Hueytown more than tripled, growing from some 5,000 to 17,000 citizens; and

WHEREAS, under Chief Bradley the Hueytown Fire Department increasingly improved from a Class 10 to a Class 4 rating, thereby greatly decreasing the cost of insurance to the residents of Hueytown; and

WHEREAS, Chief John Bradley, in further service to his fellow citizens, was instrumental in the establishment of the Rescue and Ambulance Services which provide additional protection and safeguards for the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Chief John Bradley for outstanding and longtime services rendered to the Hueytown Fire Department, and do further direct that he receive a copy of this resolution which expresses the legislature's highest regard and best wishes for every continuing success in life.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-314 H.J.R. 305—Rep. Laird

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DANIEL REID BOYD OF ROANOKE, ALABAMA.

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Daniel Reid Boyd of Roanoke, Alabama, on April 26, 1987, at the age of 83 years; and

WHEREAS, a native of Montgomery, Daniel Reid Boyd was reared in Auburn, Alabama, from the age of six; he was educated in the public schools of that city, attended Auburn University and graduated from the University of Alabama with the LL.B. degree; and

WHEREAS, Judge Daniel Reid Boyd was indeed one of Alabama's most prominent citizens who rendered exemplary service to the state, and to all citizens thereof for more than 30 years; and

WHEREAS, following graduation from the University, he was engaged in the private practice of law, entering public service as Randolph County Solicitor from 1928-1932 and again from 1935-1939; he also was attorney for the City of Roanoke, 1932-1936, and was elected to the Legislature in 1938, representing Randolph and Chambers Counties in the Alabama State Senate; and

WHEREAS, Daniel Boyd was then elected to the office of Circuit Solicitor, Fifth District, and at the end of two terms in said position, became the first Randolph Countian ever to be elected Judge of the Fifth Judicial Circuit; and

WHEREAS, Judge Boyd distinguished himself in service on the Bench until the age of 70 and, thereafter, in supernumerary capacity until death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Daniel Reid Boyd of Roanoke, Alabama, and extend heartfelt sympathy to his beloved wife, Mrs. Gladys Baxter Boyd, and to other family members, whose deep sorrow we share and for whom a copy of this resolution shall be provided.

Approved June 29, 1987

Time: 10:00 A.M.

Act No. 87-315

S.J.R. 108—Senators Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton,

Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

EXPRESSING SUPPORT FOR THE JULY 4TH "BUY ALABAMA FIRST" CAMPAIGN.

WHEREAS, Alabama's goods, products and services are unparalleled in quality; and

WHEREAS, Alabama's limitless reservoir of natural resources and its ideal geographic location serve as attractive lures for potential industries and businesses; and

WHEREAS, Alabama's citizens are a tribute and a complement to its resources and location; and

WHEREAS, Alabama's WBRC-6 "Buy Alabama First" campaign encourages businesses that produce, manufacture or grow Alabama products and provide services to promote their goods and services; and

WHEREAS, the goals of the campaign are to increase awareness and enhance pride in Alabama; and

WHEREAS, WBRC-6's first "Buy Alabama First" campaign will culminate in a celebration of Alabama's pride on July 4th at the State Fairgrounds in Birmingham, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we declare the week of July 4th as "Buy Alabama First" week, and urge all of our citizens to realize that Alabama is the greatest state in the union and to show their active support for all programs designed to enlighten and enhance Alabama's pride and products with individuals around the world.

BE IT FURTHER RESOLVED, That we commend WBRC-6 for their pride in our state and community in promoting such a commendable and worthwhile project.

Approved June 29, 1987

Time: 9:30 A.M.

Act No. 87-316 S.J.R. 112—Senators Ellis, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF BOATSWAIN'S MATE 1ST CLASS BRADLEY OTIS BROWN OF WILTON, ALABAMA.

WHEREAS, it is with heavy heart and in deep regret that the Legislature of Alabama records the death of our state's native son, Bradley Otis Brown of Wilton, Alabama, on May 17, 1987, at the age of 28 years; and

WHEREAS, a native of Calera and a Boatswain's Mate 1st Class, United States Navy, Bradley Otis Brown was serving aboard the USS Stark and was one of 37 of the Stark's crew killed in an Iraqi jet attack on the American vessel as it patrolled the Persian Gulf, in international waters; and

WHEREAS, Bradley Otis Brown, though eligible for discharge from the Navy after nine years of distinguished service, had just recently committed to another tour of duty, and thus motivated through abiding patriotism and love of country, was aboard the Stark on that fateful day that is now a page in history that is edged in black; and

WHEREAS, Bradley Otis Brown was indeed a courageous seaman and his death was one of supreme sacrifice; his life, given in the line of duty, was the life of a true hero; and he was an honorable Alabamian, in whom we are justly proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Bradley Otis Brown of Wilton, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Veronica Brown, and sons, Cedric, Adrian and Brandon; and to other family members,

whose sorrow is shared by our state and nation, and for whom a copy of this resolution of sincere condolence shall be provided.

Approved June 29, 1987

Time: 9:30 A.M.

Act No. 87-317 S.J.R. 115—Senators Amari, Bennett, Bailey, Barron, Bedsole, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

CONGRATULATING ROGER AND MAUDIE BEDFORD ON THE BIRTH OF THEIR SON, ROGER H. BEDFORD, III.

WHEREAS, it is with great personal pleasure that the Alabama Legislature records the birth of Roger H. Bedford, III, the son and first child of Roger and Maudie Bedford of Russellville, Alabama; and

WHEREAS, a handsome baby with black hair and hazel eyes, Roger, III, was born May 20, 1987, at 5:12 p.m., weighing 9 pounds, 11 ounces, and was 22 inches long; and

WHEREAS, we further note that young Roger came into the world with hands outstretched and testing his vocal capacity, thereby giving every indication that he plans to follow his father into the political arena; and

WHEREAS, his parents of course are our friend and colleague, Senator Roger Bedford, Jr., and his lovely wife, Maudie Darby Bedford; Roger's grandparents are Mr. and Mrs. Roger H. Bedford and Mr. and Mrs. Elton Darby; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Roger and Maudie Bedford of Russellville, Alabama, on the birth of their son, Roger H. Bedford, III, and do further direct that they receive a copy of this resolution, and that a copy

also be provided for Roger, III, that he may later know of the joy and happiness we shared with his parents in his birth.

Approved June 29, 1987

Time: 9:30 A.M.

Act No. 87-318

S.J.R. 118—Senators Dixon, Langford, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Manley, Menton, Mitchum, Parsons, Preuitt, Rice, Sanders, Smith (B) and Smith (J)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CHARLES P. BRIGHTWELL OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Charles P. Brightwell of Montgomery, Alabama, on June 3, 1987, at the age of 70 years; and

WHEREAS, Charles Brightwell, a native of Athens, Georgia, and a graduate of the University of Georgia, was general manager of the Coca-Cola Bottling Company in Montgomery, having moved to that city in 1935 to join the company as a helper on a transport truck; through rapid and successive promotions, however, to positions of increasingly higher responsibility, Mr. Brightwell was named manager of the Montgomery plant in 1949; and

WHEREAS, in addition to serving as president of the national Coca-Cola Bottlers Association and as president and secretary-treasurer of the Alabama Soft Drink Association, Mr. Brightwell extended his activities to include extensive involvement in community affairs; and

WHEREAS, Mr. Brightwell served as president of the Montgomery Lions Club, the Montgomery Area Chamber of Commerce and the YMCA, and was a director of the Montgomery Area United

Way and Boy Scouts of America; he further was on the board of First Alabama Bank, First Alabama Bancshares, Real Estate Financing, Jenkins Brick Company, the Spastic Children's Association, American Red Cross and the Alabama Shakespeare Festival; and

WHEREAS, the death of Charles P. Brightwell has indeed left a deep void in the community, and in the lives of all citizens thereof who are heirs to the lasting legacy of a truly concerned citizen laboring long and tirelessly on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That though we grievously mourn his death, we give thanks for the life of Charles P. Brightwell of Montgomery, Alabama, and extend deepest sympathy to his beloved wife, Jeaneane Massey Brightwell; to his children, Charles P. Brightwell, III, and Jeaneane Brightwell Fountain; and to other family members, whose sorrow we share and for whom copies of this resolution shall be provided.

Approved June 29, 1987

Time: 9:30 A.M.

Act No. 87-319 S. 41—Senator Langford

AN ACT

To fix the supplemental salaries of the circuit clerks of the 15th Judicial Circuit; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit clerk in the 15th Judicial Circuit shall, in addition to the salary paid by the State, receive a supplemental salary from the general fund of the county composing said judicial circuit. Such supplemental salary shall at all times equal 29% of the salary paid each said circuit clerk by the State of Alabama and shall be paid in equal installments at the same times and in the same manner that the salaries of the county employees are paid. In no event shall any such circuit clerk's total salary, including the supplement, be greater than the combined salary and supplement for the Montgomery County Tax Assessor. The governing body of said county is hereby authorized, empowered and directed to pay the supplemental salary provided herein to each such circuit clerk out of the funds of the county or any other funds as may be available for such purpose. The salary provided herein is in lieu of any other supplemental salary paid by the county and represents the total supplemental salary to be provided by the county for such clerks.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-320 S. 368—Senator Dial

AN ACT

To authorize the establishment of branch banks in Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, which is established in Clay County, shall have the power to establish, to maintain and to operate within the same city or town or within other communities in Clay County, one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the state superintendent of banks or the comptroller of the currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-321 S. 399—Senator Sanders

AN ACT

Relating to Greene County; levying a lodging tax, providing for the collection and distribution of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, there is hereby levied a privilege or license tax in the amount hereinafter prescribed against every person engaging in Greene County in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The amount of the tax shall be equal to one percent (1%) of the charge for such rooms, lodgings or accommodations, including the charge for use of rental of personal property and services furnished in such room or rooms.

Section 2. There are exempted from the provisions of the tax levied by this act and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more.

Section 3. The taxes levied by this act, except as otherwise provided herein, shall be due and payable to the state department of revenue on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this act shall render to the department of revenue on a form prescribed by said department, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the department of revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the department of revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made

during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of two (2) years and shall be open for examination at any time by the state department of revenue or by any duly authorized agent, deputy or employees of said department.

Any person who fails to pay the tax levied by this act within the time required by this act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon from the date on which the tax became due and payable at the rate due and payable on the state lodgings tax, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the state department of revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. All provisions of the state lodging tax statutes with respect to payment, assessment and collection of the state lodging tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax; make reports, or otherwise; the promulgation of rules and regulations with respect to the state lodging tax; and the administration and enforcement of the state lodging tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied by this act, shall apply to the county tax levied. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state lodging tax statutes. All provisions of the state lodging tax statutes that are made applicable to this act to the county taxes levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 5. None of the provisions of this act shall be applied in such manner as to violate the commerce clause of the United States Constitution. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of this act.

Section 6. The state department of revenue shall charge Greene County for collecting the county tax levied herein, an amount or percentage of total collections not to exceed ten percent of the total

amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Greene County for that month.

Section 7. The Greene County commission shall deposit the proceeds of said tax into a fund to be used exclusively by the Greene County Water and Sewer Authority to pay for the remaining costs of the sewer line construction on the M. L. King, Jr. Memorial Highway. At such time as the county commission determines by resolution said sewer line construction is complete, all remaining proceeds and all future proceeds shall be paid into the county general fund.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-322 S. 99—Senator Barron

AN ACT

Relating to DeKalb County; to create a motor vehicle license and title division within the tax assessor's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by the tax assessor's office; to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the tax assessor's office of DeKalb County a license division which shall issue all motor vehicles licenses and titles issued through the tax assessor's office. The county commission shall furnish suitable quarters and provide the necessary forms, books, stationery, records, equipment and supplies except such stationery forms and supplies as are furnished

pursuant to law by the state department of finance or the state comptroller. The county commission shall also provide such clerks and other assistants for the tax assessor as shall be necessary, from time to time, for the proper and efficient performance of the duties of his office. The tax assessor shall have authority to employ such clerks, and other assistants and their compensation shall be set by the county commission. The compensation of the clerks and assistants shall be paid out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The tax assessor shall perform all duties relating to the issuing of licenses and titles on motor vehicles in the county which have heretofore been performed by the probate judge or the tax collector. The probate judge and tax collector of DeKalb County are hereby relieved of all duties and responsibilities relative to the issuance of licenses and titles, payment of taxes collected by the tax collector and collection of certain monies on such motor vehicles and titles. The tax assessor shall receive the commissions and fees now allowed the probate judge and tax collector for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such monies shall be made at the same time as other reports and remittances are now made by the probate judge and tax collector.

Section 3. The tax assessor shall keep at all times an accurate record of all motor vehicle licenses and titles received by him from the state comptroller and of the disposition made of them, of all monies received and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that other officials with said duties are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that said officials are required to account for by law.

Section 4. Except as herein provided, the tax assessor shall be entitled to charge and collect the same fees that are provided by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said tax assessor shall charge and collect a sufficient fee to cover the actual reasonable cost thereof. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake of fact or law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any

transfer be made by the tax assessor until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said tax assessor. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to the tax assessor who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on files in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicles can be assessed, the tax assessor shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said tax assessor shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said tax assessor shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle shall be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October.

Section 7. In cases where a personal check given for a license is found to be noncollectible for any reason, the tax assessor shall notify the revenue officer who shall make a reasonable attempt to retrieve the license in question. In the event that the license cannot be retrieved, the revenue officer shall so state and such statement shall constitute authorization for the tax assessor to void any license in question. Once such license has been voided, the tax assessor shall receive credit for the cost of the license plus the issuance fee. The appropriate state office shall mark the records pertaining to the void license and upon inquiry by law enforcement agencies shall notify said agencies that the party in question is operating under a void license. All violations shall be prosecuted in accordance with current law.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-323 H. 100—Rep. Carter

AN ACT

Relating to Limestone County; to amend the title and Section 1 of Act No. 418, H. 279, Regular Session 1975 (Acts 1975, p. 1014), which authorizes the county governing body to open graves, so as to authorize a charge of $50.00 per grave for such services.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 418, H. 279, Regular Session 1975 (Acts 1975, p. 1014), which relates to the opening of graves in Limestone County, are hereby amended to read as follows:

"An Act Relating to Limestone County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals; to authorize a charge of $50.00 per grave for such service; and to repeal all conflicting statutes.

"Section 1. In Limestone County, it shall be lawful for the several district commissioners, serving as members of the county commission or other like governing body, to authorize the opening of any grave within their district for the interment services of deceased individuals.

"There shall be a charge of $50.00 per grave for such service, and all money received therefor shall be placed in the county general fund."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-324 H. 103—Rep. Carter

AN ACT

Relating to Limestone County, the city of Athens in Limestone County and other political subdivisions in Limestone County which formally agree to participation, to provide for a "metropolitan-government" consisting of Limestone County, Athens, and such other participating political subdivisions which results from a merger of the political, corporate and economic functions into a single entity, the purpose of which is to provide for the economic and efficient merger of said governmental entities, and to provide for a referendum election procedure to accomplish said merger and reorganization of governmental functions.

Be It Enacted by the Legislature of Alabama:

Section 1. The purpose of this act is to provide for the economic and efficient merger of the city of Athens and Limestone County and such other political subdivisions as by formal procedures agree to participate in the merger.

Section 2. The following terms shall have the meanings ascribed to them:

(a) "Metropolitan-government" means the political entity created by the merger of the political, corporate and economic functions of Limestone County, the city of Athens, and such other local governments as agree to participate, and shall have the powers and duties previously held by the county and the municipality(ies).

(b) "Local government" means Limestone County, and municipalities or special districts located therein.

(c) "Municipality" means any incorporated city or town in Limestone County.

(d) "Special district" means an independent political subdivision created pursuant to general or special law for the purpose of performing one or a limited number of functions within prescribed boundaries located in Limestone County.

(e) "Constitutional officers" means the Sheriff, revenue commissioner, license commissioner, and probate judge, and such other public offices of Limestone County which are established by the constitution or by statute.

Section 3. Limestone County and any local government may merge to form a metropolitan-government. A metropolitan-government may exercise all powers and duties assigned by general law to both cities and the county in the territory merged.

Section 4. Establishment of the metropolitan-government shall be initiated by a referendum which shall be participated in by

Limestone County, the city of Athens and such other local governments wholly within Limestone County as by resolution of the governing body agree to participate as an entity. The procedure shall be conducted as follows:

(a) Each governing body shall be authorized to adopt a resolution expressing intent to participate in the referendum. The referendum shall decide two questions: (1) the adoption establishing a metropolitan-government county-wide and (2) the approval for disincorporation of the city of Athens and the disincorporation of such other local governments as agree to participate as an entity. The metropolitan-government shall be established by approval of a majority (one more than 50 percent) of the total votes cast county-wide and by approval of a majority (one more than 50 percent) of the total votes cast for the disincorporation question by voters in the city of Athens. Any other participating local government where the disincorporation question receives a majority (one more than 50 percent) of the total votes cast on the disincorporation question in that jurisdiction shall also participate fully in the metropolitan-government. Upon passage of the referendum and the disincorporation question in their respective jurisdictions, the governing body of the city of Athens and such other local governments in Limestone County as agree to participate as an entity shall act to disincorporate when the metropolitan-government is established with the assumption of duties by the mayor and commission of the newly formed government. Those local governments in Limestone County that do not participate in the disincorporation question or where approval of disincorporation fails to receive a majority of the total votes cast on this question in the referendum shall not participate fully in the metropolitan-government regardless of the passage of this constitutional amendment county-wide, and the metropolitan-government jurisdiction shall apply to these jurisdictions only to the extent that county jurisdiction previously prevailed. Those local governments in Limestone County that do not participate in the disincorporation referendum or in the subsequent establishment of the metropolitan-government may later merge with the metropolitan-government upon action of their governing bodies to disincorporate.

(b) Within one hundred eighty days of passage of this act and the approval of the disincorporation question in the county and in the city of Athens and in any other participating cities, the probate judge shall call an election for the purpose of electing the metropolitan-government governing body to include the mayor and the metropolitan commission. Drawing of district lines shall be completed within sixty days of passage of this act.

(c) The newly elected officials shall assume office ninety days following their election to office.

(d) Those constitutional officers of the county, having been duly elected for a specified term shall continue to serve.

Section 5. Service Districts.

(1) A general services district shall include the entire area of Limestone County. Any service or function which is now or in the future assigned by state law to county government shall be performed in the general services district.

(2) Urban service districts shall be formed from each city in the consolidation, and such additional area as may be specified by the metropolitan commission. Services to be provided in these districts are those generally provided, or authorized to be provided by general statutes which apply to municipalities in the state of Alabama.

(3) Service district services shall be financed from revenues collected within the district or from revenues which are otherwise secured for such services.

(4) The boundaries of the service districts may be changed by the commission whenever the commission determines that a particular area of the metropolitan-government needs services of the kind and extent provided by another service district and the metropolitan-government is able to provide such services. Where the urban service district boundaries are extended, a plan for provision of services shall become a part of the resolution.

Section 6. Assumption of Functions of Special Districts. The metropolitan-government created by this act, and approved by the voters, on 60 days notice, may at any time thereafter assume all functions, rights, duties, personnel, property, assets and liabilities of any independent special district operating within the geographical jurisdiction of the metropolitan, which district may thereupon be dissolved.

Section 7. State Shared Revenues. The metropolitan-government shall not receive less in state grants, general support payments, shared revenues or otherwise than the total amount that would have been received by each participating government if consolidation had not taken place. Future state shared revenues shall be calculated as for counties in the general services district and shall be calculated as for municipalities in the urban services districts.

Section 8. Powers of metropolitan-government. The metropolitan-government shall have all the powers granted to municipal corporations and the county governments by the constitution and the laws of the state together with all the implied powers necessary to carry into execution all the powers granted. The metropolitan-government may acquire property within or without its corporate

limits for any governmental purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require, and, except as prohibited by the constitution and the laws of this state, the metropolitan-government shall and may exercise all municipal and county powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this amendment shall not be deemed to be exclusive, but additional to the powers enumerated herein or implied thereby or appropriate to the exercise of such powers, it is intended that the metropolitan-government shall have and may exercise all powers granted to municipalities and counties under the constitution and the laws of this state.

Section 9. Elections. The metropolitan-government shall be governed by a commission of nine part-time members and a full-time mayor. The election for the first officers of the metropolitan-government shall be held on the date established by the probate judge. Before such election the governing body of the municipalities and the county shall cause the metropolitan area to be divided into nine districts containing as nearly as possible an equal number of people. The division of the metropolitan-government into districts shall be by a committee appointed as follows: three persons appointed by the Limestone County Commission; two persons appointed by the Athens City Commission; two persons by a committee of mayors from the four incorporated cities; one person appointed by the Limestone County School Board; and one person appointed by the Athens City School Board. Candidates for metropolitan-government offices shall qualify in the manner prescribed in the general municipal election laws and shall have the qualifications and eligibility set forth therein. Each candidate shall announce that he is to become a candidate for mayor on a metropolitan-wide basis, or commissioner for one of the nine district posts. A candidate for a district position shall reside in his district. Each voter in the election may cast one vote for a candidate for mayor, and one vote for the candidate from the district in which he resides. Any candidate receiving a majority (one more than 50 percent) of the total votes cast for mayor, or district post shall be elected. In the event no candidate receives a majority there shall be a run-off election for such place held in the manner prescribed by the general municipal election laws. The commissioner elected shall take office as herein provided. Each elected official shall hold office for four years and shall serve until his successor shall have been elected and qualified.

Section 10. Duties of Mayor and Commission. The mayor shall preside at the meetings of the commission and shall be recognized as the head of the municipal government for all ceremonial purposes and by the governor for purpose of military law. A mayor

pro tem shall be elected from the membership by a majority vote of the commission at its first meeting following its election. The mayor pro tem shall act as mayor during the absence or disability of the mayor. Any vacancy in the office of the mayor shall be filled by the mayor pro tem. Any vacancies on the commission shall be filled by the commission at a meeting of the commission within 30 days following the date of the vacancy. The election of a new commissioner shall require the affirmative vote of at least five members. A vacancy in one of the district commission seats shall be filled by a person who shall reside within the district from whence the vacancy arose.

Section 11. Powers of the Mayor.

(a) All executive and administrative power of the metropolitan government shall be vested in the office of the mayor and such other departments, offices, agencies, boards, commissions and authorities as are authorized by this amendment or as are recommended by the mayor and are approved by the commission.

(b) The mayor is authorized to supervise and administer all departments, offices or agencies created. The mayor shall appoint all departments heads and directors subject to approval of a majority of the commission.

(c) The mayor shall appoint, subject to commission approval, all members of boards, commissions and authorities of the metropolitan-government.

(d) The mayor shall recommend all policy, including reports, budgets and contracts or obligations, to the commission and shall administer same upon commission approval.

(e) The mayor may appoint aides and staff as may be required subject to approval of funds by the commission.

(f) Upon recommendation of the mayor, the commission shall create such departments and offices as may be necessary for the operation of the metropolitan-government.

Section 12. Powers of the Commission. All powers of the metropolitan-government including all powers vested in it by this act, the constitution, and the general and local laws of this state. The determination of all matters of policy shall be vested in the commission.

Section 13. Compensation of Mayor and Commissioner. After the first term the mayor and each commissioner shall receive as compensation for their services the sum established by the metropolitan governing body at least six months prior to the date of the election.

Section 14. Appointment of Metropolitan Manager.

(a) The mayor shall appoint, subject to commission approval, a metropolitan manager, who shall be an officer of the metropolitan-government, and shall have the powers to perform the duties required. No sitting member of the metropolitan-government shall be appointed manager. Any civil service act (applicable to the municipality) shall not apply to the appointment or the removal of the manager.

(b) A temporary or acting manager may be designated, subject to commission approval, to serve for not more than four months in these events, but only under the following circumstance: (1) When the first mayor takes office after adoption of this amendment; or (2) following the removal of any permanent metropolitan manager.

(c) Such temporary acting manager shall perform the duties and assume the obligations of the office of manager and may be removed by the commission at any time. If the commission shall permit the temporary or acting manager to serve for longer than four months, he shall become the permanent manager.

(d) Any person appointed as acting manager or as manager need not be a resident of the county (metropolitan jurisdiction) nor a resident of the state of Alabama at the time of his appointment.

(e) The metropolitan manager shall be appointed for an indefinite term, and may be removed by a vote of the commission. Any such removal shall be subject to any agreements contained in a written contract between the mayor and the manager, as approved by the commission.

Section 15. General Officers. The offices of sheriff, revenue commissioner, license commissioner, and probate judge as established by the constitution or by statute shall be maintained. The salary of each office shall be set by the commission in accordance with general law. The terms of office of these officers shall not be affected by this act and their subsequent elections shall be conducted according to the general election laws of the state.

Section 16. Elective Officers.

(a) The sheriff shall have such duties as prescribed by Alabama law except that the sheriff shall not be the chief conservator of peace. The function of chief conservator of peace is transferred to the chief of police as provided for by the metropolitan-government. The sheriff shall be responsible for the jail(s) and the serving process. All fees, commissions, emoluments and perquisities of the office of sheriff shall accrue to the metropolitan-government.

(b) The revenue commissioner shall have such duties as prescribed by Alabama law including the appraisal, assessment, and collection of real and personal property taxes.

(c) The license commissioner shall have such duties as are now assigned to that function and such duties relating to licenses and fees as may be assigned by the policy body of the metropolitan-government in the future.

Section 17. Probate Judge. Nothing in this amendment shall have effect upon the judicial powers and functions of the probate judge as provided by the general laws. All fees, commissions, emoluments and perquisities of the office of probate judge shall accrue to the metropolitan-government.

Section 18. Transition.

(a) General—The transition period shall be directed by the provisions contained herein. The level of services during transition shall not be below the level of service previously provided by the respective government.

(b) Functions of the Service Districts—(1) Not later than six (6) months after assuming office, the commission shall adopt a plan for the reorganization of service operations on a county-wide basis, so that the general service district shall receive services, (including, but not limited to: streets and roads, refuse disposal, police, parks and recreation), which are customarily furnished by a county government in a metropolitan area, and the urban service district shall receive services, (including, but not limited to: additional police protection, additional transportation, street lighting, and street cleaning) which are customarily furnished by a city in a metropolitan area. The plan to combine services and functions should aim toward effectiveness, efficiency, and equity in the assignment of both services and functions.

(2) The governmental services and functions to be rendered throughout the general service district shall include: general administration, police, fire, courts, jails, assessment, health, welfare, hospitals, streets and roads, traffic, schools, parks and recreation, library, auditorium, airport, public housing, urban redevelopment, planning, growth management controls, zoning, Electrical Code, Building Code, Plumbing Code, Housing Code, electricity, refuse disposal, and taxicab regulation.

(3) The additional services and functions to be rendered within the urban service district shall include, but not be limited to: additional police protection, transportation, fire protection, waste water, street lighting, street cleaning, and refuse collections.

(c) The Commission—(1) The first elected commission shall assume office on ninety days following election. The beginning salary for each commission member shall be $100.00 per month.

(2) In the interim between the election and the assuming of office, the first commission is authorized to hold meetings conducted under guidelines determined by the commission, establish committees, and plan for the initial organization and staffing of the commission. Each member shall receive a sum of twenty dollars ($20) per day in which a meeting was held, during this period.

(3) All ordinances and resolutions of the city of Athens, which are not inconsistent with the terms and provisions of this amendment, shall be effective as the ordinances and resolutions governing the urban service district until they have been amended, repealed, or modified. All resolutions affecting Limestone County, not inconsistent with the terms and provisions of this amendment shall have legal effect in the general service district until repealed, amended, or modified.

(4) All local laws and general laws of local application affecting the city of Athens or Limestone County shall continue to have legal effect, unless they are inconsistent with the terms and provisions of this amendment. In the event that they are inconsistent, the amendment shall control.

(5) Within the three (3) year period following the effective date of this amendment, the commission shall systematically review the ordinances, resolutions, and local laws and general laws of local application of the former governments. All ordinances and resolutions of the former governments which the commission has not adopted, modified, or amended for inclusion in a new metropolitan code by October 1, 1990, shall be considered null and void after that date. In addition, the commission shall request that the Limestone County Legislative Delegation make a review to determine whether additional local laws should be repealed if deemed inconsistent or unnecessary to the operation of the government.

(d) The Mayor—(1) The first mayor shall officially assume office ninety days following the election as called by the probate judge and his term of office shall be four years.

(2) Following the election, the mayor-elect shall meet with the finance, personnel, law, and planning staffs of the city and county for the purpose of proceeding with the preparation of forms, materials, and procedures necessary to the official establishment, fiscal functioning and administrative organization of the government. The beginning salary of the mayor shall be $42,500.00 per annum.

(3) During the transition period from election to assuming office, the following provisions apply:

a. The mayor shall receive half of the regular monthly salary.

b. All employees and agencies of the former governments shall cooperate with and assist the mayor-elect, who shall be entitled to examine all records, files, and other data pertinent to a smooth transition.

c. It shall be the duty of the county, and the city of Athens to equally divide the costs to provide the mayor-elect with staff as it may deem necessary and with suitable office space.

(e) Executive Departments—(1) When any agency of the city of Athens or Limestone County is abolished or merged by official act all assets, contracts, franchises, books, papers, maps, charts, plans, records, equipment and other property in the possession of same shall be delivered to the agency to which its rights, powers, duties and obligations are transferred. In case of controversy between two or more agencies as to the rightful possession of such records and equipment, the property shall be transferred to such agency as the mayor shall direct.

(2) Except as otherwise provided by this amendment, all existing rules and regulations of departments and agencies of the city of Athens and the county of Limestone not inconsistent with this amendment shall be effective as rules and regulations of the appropriate department, division or agency of the government until they have been repealed, modified, or amended.

(3) Except as otherwise provided, all contracts orders, leases and other obligations entered into by the city or the county shall continue in full force and effect according to their respective terms as obligations and rights of the government.

(4) No pending action or proceeding of any nature by or against the city or the county or any agency or department shall be abated or otherwise affected by the adoption and implementation of this amendment. To that end, the metropolitan-government shall stand substituted as a party in lieu of the former governments.

(5) If the commission disapproves the initial organization as recommended by the mayor, the mayor shall submit a revised organization plan no later than fifteen (15) working days after disapproval by the commission.

(f) Boards, Commissions, and Authorities—(1) The mayor shall appoint promptly and at least within thirty (30) days after assuming office, all members of boards, commissions, and authorities authorized. Unless abolished by recommendation of the mayor and approval of the commission, all boards, commissions, and authorities of the city and the county are continued for a period of six (6) months after the effective assumption of office by metropolitan-government. Any

board, commission, or authority which has not otherwise been provided for shall cease to exist at the end of the six (6) months unless the commission extends or creates the board, commission, or authority by ordinance or resolution where specified by general law.

(2) Boards, commission, and authorities created by Limestone County or the city of Athens under provision of state law, including the Industrial Development Board, who have issued bonds are continued under provisions of the state law under which they were created, with the same terms and conditions in relation to the metropolitan-government as existed with the city/county or both prior to unification. All bonds and other obligations which have been issued by such boards, commissions, or authorities shall remain the obligation of the issuing authorities and are not affected by the adoption of this amendment.

(3) Utility districts shall continue to be governed by general state law and nothing in this amendment alters the operation or bonds of utility districts, except in accordance with general state law.

Section 19. Planning and Land Use Controls.

(a) A planning commission shall be established and shall have authority to institute, under the general laws of the state, land use controls for the metropolitan-government. The planning commission shall consist of nine members, one member appointed from each of the nine election districts.

(b) The planning commission shall be the comprehensive planning agency and shall administer a metropolitan-wide planning program which includes zoning subdivision regulations in accord with municipal laws of the state of Alabama. Such shall have effect in each service district established.

Section 20. Schools.

(a) Within eighteen months from the time metropolitan-government is placed in effect, the respective school boards of the city and the county shall plan for and implement a metropolitan-government school district which effects the merger of the two existing districts in accordance with existing procedure in Alabama statutes for such mergers.

(b) The plan for merger shall include provisions for an equitable collection and distribution of tax for educational funding. The plan for merger shall also include provisions for nine elected board members, one from each of the metropolitan election districts, and a superintendent appointed by the board. The superintendent shall not be a member of the board. The metropolitan school board shall have the power to do all things necessary and proper for the operation

of an accredited school system within the framework of Alabama laws and regulations governing schools.

Section 21. (a) The budget and tax levy of the former city of Athens shall serve as the budget and tax levy for the urban service district for the fiscal year in which metropolitan-government is implemented. The budget and tax levy of the former county of Limestone shall serve as the budget and tax levy for the general service district for the fiscal year in which metropolitan-government is implemented. Amendments to both the operating and capital improvements budgets during the 1987-1988 fiscal year may be made by the mayor and approved by the commission for either the urban service district or the general service district in accordance with general law.

(b) All bonds issued by the city of Athens prior to the effective date of this amendment shall be assigned to the urban service district. All bonds issued by Limestone County prior to the effective date of this amendment shall be assigned to the general service district. In the event that the boundaries of the urban service district are expanded prior to the redemption of all bonded indebtedness incurred prior to the effective date of this amendment, the commission shall insure through the provision of special service districts that the outstanding bonds are redeemed by a property tax within the area where the bond was originally issued.

(c) The first proposed budgets for the government shall be prepared by the mayor and submitted to the commission by the mayor on the first commission meeting after taking office and shall be adopted by October 1, 1988.

Section 22. (a) All permanent full-time and permanent part-time employees of the city or county including employees of any department, board, commission, authority or agency shall become employees of the metropolitan-government and shall be assigned duties as similar in nature as may be practicable within the metropolitan-government upon the effective date of this amendment. Employees of boards, commissions, or authorities, which have been established in response to federal or state legislation who are not employees of the city or county governments at the time of the adoption of this amendment shall not be employees of the metropolitan-government. In no case shall any permanent full-time or permanent part-time employee receive salary, wage, or benefits lower than that received immediately prior to the effective date of this amendment. Nor shall any permanent full-time employee be subject to any civil service examination or certification requirements except those pertaining to promotion or change of classification after initial entry into the classified civil service. Employees not previously covered by civil service status six (6) months after the effective date of the metropolitan implementation.

(b) All of the permanent full-time employees shall continue as appointees of the unit to which the power and duties of the unified unit are transferred and shall continue to perform their usual duties until otherwise directed. When employees from two or more units are combined in a single department, office, or division, particular attention shall be paid to the level of training and experience of the employee who is being assigned in relation to others within the unit. The holding of a specific title within either of the units to be combined shall not guarantee the maintenance of that title within the new unified unit. In no case should job qualifications or specifications be lowered simply to provide placement of an employee of the present governmental unit. Any employees aggrieved by their assignment shall be entitled to appeal.

(c) All questions and problems arising under this section shall be resolved by the mayor until Personnel Policies and Rules have been established and adopted by the commission; provided no actions shall impair or diminish the salary and benefits of employees.

Section 23. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this act are hereby repealed.

Section 25. The provisions hereof shall become effective upon its passage and approval by the governor, or upon its otherwise becoming a law, and upon its approval at a referendum election held pursuant to section 4(a) hereof.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-325 H. 41—Rep. White (L)

AN ACT

Relating to Tallapoosa County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Tallapoosa County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, stating

the mailing address of the grantee, or contains a statement of such addresses in the body of the instrument.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-326 H. 42—Rep. White (L)

AN ACT

Relating to Tallapoosa County; providing for the county commission to reimburse the office of tax collector for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the tax collector may charge a fee for invalid checks.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tallapoosa County Commission shall reimburse the office of tax collector from the general fund of the county the amount of any monetary loss, not to exceed a total of two thousand dollars ($2,000.00) per annum, arising or caused by the acceptance of worthless or forged checks if the acceptance was caused without their personal knowledge.

Section 2. It shall be the duty of the tax collector to insure that employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said official or any clerk or employee of the office.

Section 3. In cases where a personal check given to the tax collector is found to be invalid, the tax collector is hereby authorized to charge a fee in the amount of $10.00 for each invalid check.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-327 H. 52—Rep. White (L)

AN ACT

Relating to Tallapoosa County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County, in addition to all other fees, there shall be taxed as costs the sum of $10.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in any inferior or municipal court of the county, in the circuit court of Tallapoosa County, or the district court of Tallapoosa County, hereinafter filed in or arising in the circuit court of Tallapoosa County, or the district court of Tallapoosa County, or brought by appeal, certiorari or otherwise to the circuit court of Tallapoosa County, or the district court of Tallapoosa County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Tallapoosa County as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the General Fund of the county to be used by the County Commission for appropriations by the County Commission to the sheriff for law enforcement purposes; said fees may be used by the County Commission as part of its annual general budget appropriation to the sheriff for operation of the sheriff's department and jail.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-328 H. 55—Rep. White (L)

AN ACT

Relating to Tallapoosa County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Tallapoosa County; to prohibit the performance of certain work on private property and provide civil fines for violations; providing for an advisory referendum election called for such purpose; and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tallapoosa County Commission, or any succeeding county governing body performing the functions of the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Tallapoosa County public roads, highways, bridges and ferries, and shall, during his employment, reside in Tallapoosa County, Alabama.

Section 2. Said county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to the county commission, the state highway director shall be requested to make additional nominations. Should the state highway director refuse, or fail to make nominations, the county commission may fill the position of county engineer with any person who has the qualifications herein set out.

Section 3. It shall be the duty of the said county engineer: (1) to employ, supervise and direct all such assistants as are necessary properly to maintain and construct the public roads, highways, bridges, and ferries of Tallapoosa County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or

when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the county commission; (5) it shall be his further duty, insofar as is feasible to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Tallapoosa County.

Section 5. It shall be the duty of the county commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, and ferries, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The county commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the road and highway funds of Tallapoosa County.

Section 7. Before entering upon his duties, the said county engineer shall make and enter into a surety bond in the amount of five thousand dollars ($5,000.00) payable to Tallapoosa County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said county, which may come into his possession or custody. Said bond shall be executed by a surety company authorized and qualified to do business in Alabama, and be approved by the county commission. The premiums thereon shall be paid by the county.

Section 8. The county engineer shall report on a day-to-day basis to the chairman of the county commission and shall report regularly to the county commission as a whole.

Section 9. The county commission shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this act.

Section 10. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Tallapoosa County, and he shall be accountable for the same, at all times. The county

commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on file in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Tallapoosa County.

Section 11. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges, and ferries of Tallapoosa County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year or not later than the first meeting in October following by order or resolution spread upon the minutes; to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Tallapoosa County for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Tallapoosa County during said period; provided, however, that said board is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the budget act, Title 11, Chapter 8, of the Code of Alabama 1975. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present Tallapoosa County Commission, immediately upon the passage and approval of this act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said funds for the maintenance of said roads, bridges, and ferries until the meeting in September or October, 1987 as hereinabove provided for.

Section 12. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges and ferries of Tallapoosa County. Said requisitions shall be filed and presented by the chairman of the county commission at its next meeting, for the approval of the board. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole board if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 13. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies, purchased by Tallapoosa County for use on public roads, bridges, and ferries, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 14. In the event an emergency should arise in which it would be impossible for the county commission to employ an engineer, as hereinabove provided for, then, in that event the county commission shall employ a competent road supervisor who need not be an engineer, but when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this act; but an emergency shall not exist so long as the state highway director can nominate an engineer who will accept employment by said board under the terms of this act, it being the intention of this act to provide that, when county roads are to be maintained or constructed in said county, the supervision thereof shall be either under a county engineer, as hereinabove provided for, or, by a road supervisor, who is not a member of the county commission.

Section 15. The county commission is prohibited from authorizing or performing any work on private property with the exception of work performed on church, school, or cemetery property. Any violation of the provisions of this act shall be punishable by a civil fine of not more than $500.00.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. The Tallapoosa County governing body shall call a special referendum election after the final passage of this act or order the referendum to be held at the next county-wide or state special or general election to determine whether or not the qualified voters of the county wish for the county road system to remain under the present district or beat line system or be constructed and maintained hereafter under a county unit system as provided for in this act.

Section 19. The Tallapoosa County governing body, prior to implementing any provision of this act, shall first by resolution call for a public hearing on the question and thereafter set an advisory referendum for the qualified electors of the county held for such purpose. On the ballot at the next general, special or county-wide

election the following question, or substantially the following question, shall be presented to the electors of Tallapoosa County:

"Do you favor the adoption of Act No. 85 _____ of the 1985 Regular Session which places Tallapoosa County on a unit system of public road and bridge maintenance by a county engineer?"

Section 20. If the vote at such election is in favor of the county remaining under the present system, then the county road system shall continue to be operated under the provisions of all laws now governing the Tallapoosa County road system. If the vote at such election is in favor of the county road system being operated under the county unit system, then the county governing body shall arrange for an orderly transition into such system as provided in this act within a two-month period after said election and the provisions of any laws to the contrary are hereby repealed and superseded.

Section 21. Upon the event of the county governing body calling a special referendum election, the governing body is hereby authorized and empowered to pay for the cost of such election out of the county general fund.

Section 22. The county governing body shall notify the secretary of state of the results of said election and the secretary of state shall cause results of said election to be reflected in the acts books in the appropriate manner.

Section 23. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-329 H. 560—Rep. Clark (J)

AN ACT

Relating to Barbour County; authorizing and empowering the county commission to impose a certain issuance fee on citations issued for delinquent mobile home license tags and providing that the proceeds from such fees shall be paid to the county license inspector.

Be It Enacted by the Legislature of Alabama:

Section 1. The Barbour County Commission is hereby authorized and empowered to impose, by resolution duly adopted and

spread upon its minutes, a citation issuance fee in an amount not to exceed fifteen dollars ($15.00) per each citation issued by the county license inspector citing a delinquent mobile home license tag as provided by law. Such issuance fee shall be in addition to any penalty heretofore or hereafter prescribed by law for such delinquency and shall be collected with such penalty in the usual manner. All proceeds from collections of such issuance fee shall be paid to the county license inspector.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-330 H. 666—Rep. Clark (J)

AN ACT

To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Barbour County is authorized to employ a chief clerk to work in the office of the Probate Judge and such employee shall be selected by the Probate Judge and paid out of the General Fund of the county. The salary shall be set by the Barbour County Commission.

Section 2. The operation of this act shall be retroactive to August 22, 1982, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-331 H. 228—Reps. Hall and Richardson

AN ACT

Relating to Jackson County; to create a motor vehicle license and title division within the Revenue Commissioner's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles by the Revenue Commissioner's office; to transfer certain duties now performed by the Probate Judge to said Revenue Commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the Revenue Commissioner's office of Jackson County a license division which shall issue all motor vehicles licenses, and titles, issued through the Revenue Commissioner's office. The county commission shall furnish suitable quarters and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery forms and supplies as for furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall also provide such clerks and other assistants for the Revenue Commissioner as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The Revenue Commissioner shall have authority to employ such clerks, and other assistants and their compensation shall be set by the county commission. The compensation of the clerks and assistants shall be paid out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The Revenue Commissioner shall perform all duties relating to the issuing of licenses and titles on motor vehicles in the county which have heretofore been performed by the Probate Judge. The Probate Judge of Jackson County is hereby relieved of all duties and responsibilities relative to the issuance of licenses and titles, payment of taxes collected by the Revenue Commissioner and collection of certain monies on such motor vehicles and titles. The Revenue Commissioner shall receive the commissions and fees now allowed the Probate Judge for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such monies shall be made at the same time as other reports, and remittances now made by the Probate Judge.

Section 3. The Revenue Commissioner shall keep at all times an accurate record of all motor vehicle licenses and titles received by him from the state comptroller and of the disposition made of

them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that other officials with said duties are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that said officials are required to account for by law.

Section 4. Except as herein provided, the Revenue Commissioner shall be entitled to charge and collect the same fees that are provided for by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said Revenue Commissioner shall charge and collect a fee of $1.25. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake of fact or law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the Revenue Commissioner until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said Revenue Commissioner. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to the Revenue Commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tax shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicles can be assessed, the Revenue Commissioner shall be furnished a bona fide bill of sale and/or title or title application in the present owner's name, also, if applicable, tag number and decal number presently on the vehicle, unless vehicle is new, in which case said Revenue Commissioner shall be furnished a bona fide bill of sale and/or title from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said Revenue Commissioner shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation, or association, living or operating in this state. In the

case of a used car purchased from individual, a bona fide bill of sale and/or properly assigned title shall be furnished to the Revenue Commissioner, and, also, if said vehicle has a license tag that is still in effect, a certified copy of tag receipt must be furnished to the Revenue Commissioner or, if tag on said vehicle has expired, tag number and decal number or the license tag must be furnished to the Revenue Commissioner. If such tag number and decal number, or tag receipt or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which license tags have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October.

Section 7. In cases where a personal check given for a license tag is found to be noncollectible for any reason, the Revenue Commissioner has the authorization to void any license tag in question. The Revenue Commissioner will then notify the Sheriff, who will attempt to retrieve the license tag in question. Once such license tag has been voided, the Revenue Commissioner will receive credit for the cost of the license tag plus the issuance fee. The appropriate state office will mark the records pertaining to the void license and, upon inquiry by law enforcement agencies, will notify said agencies that the party in question is operating under a void license. All violations will be prosecuted in accordance with current law.

Section 8. The Revenue Commissioner shall, near the end of each month, mail to each auto owner prior to the month of expiration of the current year's tag or decal, an application form containing a space for the name and the last known address of the owner of the motor vehicle, the make, model, year and vehicle identification number, the correct amount of ad valorem taxes (state, county, school districts, municipal and other), and the amount of the motor vehicle license tax, the cost of tag, issuance and handling fee. Said form shall also include the final date due without penalty. The Revenue Commissioner shall keep a record of each application. Each year thereafter, the Revenue Commissioner shall send such application to each auto owner near the end of each month prior to the month of expiration of the current year's tag or decal. Once the auto owner receives his application, he may sign the application form and return it by mail, together with his remittance of the total amount shown on the form, payable to the Revenue Commissioner's office no later than the 25th day of the following month which is the month of expiration of the current year's tag or decal. The Revenue Commissioner shall stamp said form "paid" and mail it along with the auto tag or decal sticker to the applicant by the 28th day of the month.

The procedure authorized by this act for payment of ad valorem taxes or motor vehicles and motor vehicle license taxes and the issuance of license tags is optional. Each owner is obligated for payment regardless of whether or not of receiving application. Each owner of a motor vehicle shall continue to have the right to pay taxes and receive his tag in person, without the necessity of paying the mailing fee provided for herein.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. The act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 1:30 P.M.

Act No. 87-332 H. 232—Reps. Hall and Richardson

AN ACT

Relating to Jackson County; to amend Section 2 of Act No. 86-469, H. 248 of the 1986 Regular Session (Acts 1986, p. 853), relating to selling and redeeming lands for taxes, so as to change the term "revenue commission" to "revenue commissioner."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 86-469, H. 248 of the 1986 Regular Session (Acts 1986, p. 853), relating to selling and redeeming lands for taxes in Jackson County, is hereby amended to read as follows:

"Section 2. The procedure for selling and redeeming lands for taxes in such county shall be the same as provided in Code of Alabama 1975, Title 40, as amended, except that all such duties as are required of and are performed by the judge of probate shall be transferred to and be performed by the revenue commissioner of said county, and the judge of probate shall be relieved of all such duties."

Section 2. This act shall take effect on the first day of the month following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved June 30, 1987

Time: 1:30 P.M.

Act No. 87-333 H. 265—Rep. Harper

AN ACT

To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, relating to Insurance Company Premium Tax so as to change the dates of premium tax payments by insurers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-4-4, Code of Alabama 1975, is hereby amended to read as follows:

"(a) Every foreign insurer, except foreign life insurers, shall pay to the commissioner premium tax amounting to four percent of the premiums received by such foreign insurer for business done in this state except as to wet marine and transportation insurance as defined in section 27-5-8, whether the same are actually received by said insurer in this state or elsewhere. Every foreign life insurer shall pay to the commissioner premium tax amounting to one percent of annuity considerations and premium tax of three percent of any other premiums received by such foreign life insurer for business done in this state, whether the same are actually received by said insurer in this state or elsewhere. The rate of tax on premiums shall be subject to reduction as provided in this section. Beginning January 1, 1987, each foreign insurer shall pay its premium taxes on October 15, 1987, on an estimated basis of 50% of premiums received by such insurer in 1986 for business done in this state or, at the option of the insurer, based on its actual business done in this state from January 1 through June 30, 1987. On March 1, 1988, each foreign insurer shall remit with its premium tax return, the remainder of the premium taxes due on its actual business done in this state during the preceding calendar year, 1987. Beginning January 1, 1988, and all years thereafter, each foreign insurer shall pay its premium taxes on a quarterly basis as follows: the May 15 payment shall be estimated on 25% of its actual business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from January 1 through March 31 of the same calendar year; the August 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from April 1 through June 30 of the same calendar year; the November 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from July 1 through September 30 of the same calendar year and the March 1 payment shall be in the amount

of the remainder of the premium taxes due on its actual business done in this state during the preceding calendar year. Each authorized insurer shall file with the commissioner a statement, in form as furnished or approved by him, setting forth the total amount of premiums and annuity considerations received by it for business done in this state during the period covered by the tax payment, except as to wet marine and transportation insurance as defined in section 27-5-8. The statement shall be verified by the affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this section that any taxes paid based on an estimated basis for the preceding calendar year shall be reconciled to actual premiums collected in this state for a calendar year on the March 1 payment date of the succeeding calendar year. Further, that the premium taxes on premiums collected during the first and second six-month periods of calendar year 1987, shall be paid in the manner specifically provided in this section.

The premium taxes collected in this section shall be deposited in the state treasury and credited in accordance with the following tabulation:

(1) To the credit of the state general fund, from which the legislature may appropriate funds for old age assistance purposes:

a. One hundred percent of premium tax on foreign life insurers;

b. Sixty-two and one-half percent of premium tax on all foreign property insurers; and

c. Seventy-five percent of premium tax on all other foreign insurers; and

(2) To the credit of the Alabama special educational trust fund:

a. Thirty-seven and one-half percent of premium tax on foreign property insurers; and

b. Twenty-five percent of premium tax on all other foreign insurers.

(b) If the annual statement or other report required to be made by such foreign insurer to the Alabama Department of Insurance, whose premiums are taxed under this chapter, for the preceding calendar year shows such insurer to have invested at the close of said year in Alabama investments, as defined in this section, the requisite percentages of its total admitted assets, the rate of premium tax hereby levied on premiums shall be that shown in the following schedules:

Percentage of Insurer's Admitted Assets Invested in Alabama Investments	Applicable Rate of Premium Tax for Foreign Life Insurers	Applicable Rate of Premium Tax for All Other Foreign Insurers
Less than 1%	3.0%	4.0%
1% and above but less than 2%	2.9%	3.9%
2% and above but less than 3%	2.8%	3.8%
3% and above but less than 4%	2.7%	3.7%
4% and above but less than 5%	2.6%	3.6%
5% and above but less than 6%	2.5%	3.5%
6% and above but less than 7%	2.4%	3.4%
7% and above but less than 8%	2.3%	3.3%
8% and above but less than 9%	2.2%	3.2%
9% and above but less than 10%	2.1%	3.1%
10% and above	2.0%	3.0%

(c) Alabama investments, as used in this section, shall mean any of the following investments:

(1) Real estate in this state;

(2) Bonds or interest-bearing warrants or other evidences of indebtedness of the state of Alabama or of any county, city, town, school district, state educational institution, municipality or other subdivisions of the state, or of any duly authorized agency, board or authority of the state of Alabama or of any political subdivision thereof whether such agency, board or authority now exists or is hereafter created;

(3) Stocks, bonds or other evidences of indebtedness of any housing or redevelopment authority organized under the Housing Authorities Law or Redevelopment Law of the state of Alabama, as from time to time established and amended;

(4) Notes or bonds secured by mortgages or other liens on real estate or on leasehold interests in real estate in the state of Alabama;

(5) Stocks, bonds, debentures, notes or other evidences of indebtedness of any corporation organized under the laws of the state of Alabama;

(6) Notes, debentures or other evidences of any indebtedness of any business operated as a sole proprietorship, partnership or other legal entity having its principal office and place of business in the state of Alabama;

(7) Notes, bonds or other evidences of indebtedness secured by mortgage or other lien upon real estate situated in the state of Alabama and insured or guaranteed in whole or in part, by the United States or any agency or instrumentality thereof, together with any

bonds, debentures or other evidences of indebtedness of the United States or any agency or instrumentality thereof received and retained in whole or partial settlement of any such insurance or guaranty;

(8) Collateral loans to Alabama residents or to others where at least half of the value of the collateral so pledged constitutes an Alabama investment as defined in this section;

(9) Cash deposits in regularly established national or state banks in this state on the basis of the average monthly deposits throughout the calendar year;

(10) Loans secured by policies on the lives of residents of the state of Alabama;

(11) Share or share accounts of building and loan associations organized under the laws of the state of Alabama or in the share or share accounts of federal savings and loan associations having their principal office in the state of Alabama;

(12) Stocks, bonds, notes, debentures or other evidences of indebtedness of any corporation organized under the laws of any other state of the United States, to the extent that the assets of such corporation located in the state of Alabama bear to the total assets of the corporation issuing such stocks, bonds, notes or other evidences of indebtedness;

(13) Stocks, bonds, notes or other evidences of indebtedness issued by railroad companies, public carriers or transportation companies, to the extent that its trackage or mileage in Alabama bears to the total trackage or mileage of such railroad, public carrier or other transportation company;

(14) That percentage of such insurer's investments in stocks, bonds, notes or other evidences of indebtedness of any telegraph, telephone, electric power company or other public utility to the extent that the revenue of any such company from Alabama bears to the total of such telegraph, telephone, electric power company or other public utility; and

(15) That percentage of the insurer's investments held as of December 31, in direct obligations of the United States of America as the total premiums received by the company for direct insurance of subjects located, resident or to be performed in Alabama relate to the total premiums received by the insurer.

(d) Any such tax so determined shall be subject to credit and deduction of the full amount, with 25% of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for:

(1) All ad valorem taxes paid by the insurer for the tax year next preceding the filing of the return required by this section upon

any real estate and the improvements thereon in the state of Alabama owned and at least 50 percent occupied by the insurer for the full period of such tax year;

(2) All license fees and taxes paid to any county in this state during the year preceding the filing of the return required by this section for the privilege of engaging in the business of insurance within said county;

(3) All franchise taxes paid by the insurer under the provisions of sections 40-14-40 or 40-14-41 for the tax year preceding the filing of the return required by this section; and

(4) All expense of examination of the insurer by the commissioner.

(5) all credits for assessments paid as provided under the provisions of Sections 27-42-16 and 27-44-13 of the Code of Alabama 1975.

(6) It is the intent of this section that any estimated allowable deduction be reconciled to actual expenditures made during the calendar year next preceding the filing of the tax return and necessary adjustments reflected in the tax payment due March 1. Credit taken against taxes due for the six-month period ending June 30, 1987, and payable on October 15, 1987, will be in the amount of one-half of deductible expenses paid or estimated to be paid, and the remainder of any such expenses paid during calendar year 1987 will be reflected in the premium tax return due March 1, 1988."

Section 2. Section 27-4-5, Code of Alabama, 1975, is hereby amended to read as follows:

"(a) Every domestic life insurer shall pay to the commissioner a premium tax equal to one percent of the premiums and annuity considerations received by such insurer for business done in this state during the preceding period, whether the same are actually received by said insurer in this state or elsewhere. Every other domestic insurer and every nonprofit corporation organized pursuant to the provisions of section 10-4-100 et seq. shall pay to the commissioner a premium tax equal to one percent of the premiums received by such insurer for business done in this state during the preceding period, whether the same are actually received by said company in this state or elsewhere. Beginning January 1, 1987, each domestic insurer shall pay its premium taxes on October 15, 1987, on an estimated basis of 50% of premiums received by such insurer in 1986 for business done in this state or, at the option of such insurer, based on its actual business done in this state from January 1 through June 30, 1987. On March 1, 1988, each domestic insurer shall remit with its premium tax return, the remainder of the premium

taxes due on actual business done in this state during the preceding calendar year, 1987. Beginning January 1, 1988, and all years thereafter, each domestic insurer shall pay its premium taxes on a quarterly basis as follows: the May 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from January 1 through March 31 of the same calendar year; the August 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from April 1 through June 30 of the same calendar year; the November 15 payment shall be estimated on 25% its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from July 1 through September 30 of the same calendar year and the March 1 payment shall be in the amount of the remainder of the actual premium taxes due on its business done in this state during the preceding calendar year. Every authorized insurer shall file with the commissioner a statement, in form as furnished or approved by him, setting forth the total amount of premiums and annuity considerations received by it for business done in this state during the period covered by the tax payment, except as to wet marine and transportation insurance as defined in section 27-5-8. The statement shall be verified by the affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this section that any taxes paid based on an estimated basis for the preceding calendar year shall be reconciled to actual premiums collected in this state for a calendar year on the March 1 payment date of the succeeding calendar year. Further, that the premium taxes on premiums collected during the first and second six-month periods of calendar year 1987, shall be paid in the manner specifically provided in this section.

(b) Any such tax so determined shall be subject to credit and deduction of the full amount, with 25% of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for:

(1) All ad valorem taxes paid by the insurer for the tax year preceding the filing of the return required by this section upon any building and real estate in the state of Alabama owned and occupied, in whole or in part, by the insurer for the full period of such tax year as its principal office in the state of Alabama;

(2) All ad valorem taxes paid by the insurer for the tax year preceding the filing of the return required by this section upon all other real estate and improvements thereon in this state owned and at least 50 percent occupied by the insurer for the full period of such tax year;

(3) All license fees and taxes paid to any county in this state during the year preceding the filing of the return required by this section for the privilege of engaging in the business of insurance within said county;

(4) All expenses of examination of the insurer by the commissioner;

(5) All license or privilege taxes on lists of securities paid by the insurer under the provisions of section 40-24-8 during the tax year preceding the filing of the return required by this section; and

(6) All franchise taxes paid by the insurer under the provisions of section 40-14-40 for the tax year preceding the filing of the return required by this section.

(7) It is the intent of this section that any estimated allowable deductions be reconciled to actual expenditures made during the calendar year next preceding the filing of the tax return and necessary adjustments reflected in the tax payment due March 1. Credit taken against taxes due for the six-month period ending June 30, 1987, and payable on October 15, 1987, will be in the amount of one-half of deductible expenses paid or estimated to be paid, and the remainder of any such expenses paid during calendar year 1987 will be reflected in the premium tax return due March 1, 1988.

(c) The premium taxes collected under this section shall be deposited in the state treasury and credited as follows:

(1) To the credit of the state general fund:

a. Fifty percent of premium tax on domestic life insurers;

b. No part of premium tax on nonprofit corporations organized pursuant to the provisions of section 10-4-100 et seq.; and

c. Twenty-five percent of premium tax on all other domestic insurers; and

(2) To the credit of the Alabama special educational trust fund:

a. Fifty percent of premium tax on domestic life insurers;

b. One hundred percent of premium tax on nonprofit corporations organized pursuant to the provisions of section 10-4-100 et seq.; and

c. Seventy-five percent of premium tax on all other domestic insurers.

(d) Every domestic insurer, anything in this chapter to the contrary notwithstanding, shall be exempt from and not required to pay any premium tax for or on account of any premiums or annuity

considerations for hospital, medical, surgical or other health care benefits supplementary to Medicare and Medicaid received by it for or on account of business done in this state, whether the same are actually received in this state or elsewhere."

Section 3. If any provisions, paragraph or part of this Act shall be declared invalid, unconstitutional, or void the balance of said Act shall remain in full force and effect.

Section 4. All laws and parts of laws, in conflict with this Act, are hereby expressly repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-334 H. 632—Rep. Beasley

AN ACT

Relating to Henry County; providing for the composition of the Henry County Commission; providing that the Judge of Probate shall serve as a non-voting chairperson for the county commission; providing for election of county commissioners from single-member districts and defining the single-member commission districts; prescribing the manner of election and terms of the members of the county commission; providing that members of the county commission shall reside within the boundaries of their respective commission districts; providing for filling vacancies on the county commission and providing that this act shall have retroactive effect to the election of the members of the Henry County Commission in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Be It Enacted by the Legislature of Alabama:

Section 1. The Henry County Commission shall be composed of five members and a chairperson. The Judge of Probate shall serve as the commission's chairperson and shall preside at its meetings but shall not be entitled to vote on any matter before the commission.

Section 2. Beginning in 1986 and thereafter, the five members of the Henry County Commission shall be elected from single-member districts within Henry County, as hereinafter defined. Those county commissioners seeking to serve Districts No. 2, No. 3 and No. 4 shall run and be elected from their respective districts in 1986 and shall serve four-year terms. Those county commissioners seeking to serve Districts No. 1 and No. 5 shall run and be elected from their

respective districts in 1988 and shall likewise serve four-year terms. The term of office of each commissioner, when elected, shall officially begin on the first Monday after the second Tuesday in January, following said election.

Section 3. For the purpose of this act, and for future elections of members of the county commission, Henry County is hereby divided into five separate geographical districts, to be numbered 1 to 5 inclusive, and are hereby described as follows:

DISTRICT NO. 1

Beginning at the Southeast Corner of Henry County at Georgia line on East Side and Houston County on South Side; thence West along the South line of Henry County to the Southwest Corner of Henry County; thence North along the West line of Henry County to the intersection of Henry County Road No. 16; thence East along the centerline of said Henry County Road No. 16 to the intersection of the West City Limits of Headland, Alabama; thence South along the West City Limits line to the intersection of centerline of Seaboard Coast Line Railroad; thence Northeast along centerline of Seaboard Coast Line Railroad Tracks to its intersection with the projected centerline of Cleveland Street; thence South along the centerline of Cleveland Street to the intersection of Holland Street; thence East along the centerline of Holland Street to its intersection with Mitchell Street; thence South along the centerline of Mitchell Street to its intersection with East Church Street (Alabama Highway No. 134); thence East along the centerline of East Church Street to its intersection with Cable Street; thence South along the centerline of Cable Street to its intersection with Sparks Street; thence West along the centerline of Sparks Street to its intersection with Peachtree Street; thence South along Peachtree Street to its intersection with Whitten Street; thence East along the centerline of Whitten Street to its intersection with Cable Street; thence South along the centerline of Cable Street to its intersection with the centerline of Peachtree Street; thence Southeast along the centerline Peachtree Street to its intersection with Holman Drive; thence East along the centerline of Holman Drive to the intersection of centerline of U.S. Highway No. 431; thence North along the centerline of U.S. Highway No. 431 to the intersection of centerline of Alabama Highway No. 134; thence East along the centerline of Alabama Highway No. 134 to the intersection of centerline of County Road No. 15; thence North along the centerline of County Road No. 15 to the centerline of Henry County Road No. 99 (Old U.S. 431); thence West along County Road No. 99 to the East City Limits line of Headland, Alabama; thence North along the East City Limits line of Headland to its Northeast Corner; thence West along the North City Limits line of Headland to its intersection with the centerline of Henry County Road No. 9;

thence North along the centerline of Henry County Road No. 9 to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of Henry County Road No. 431 to its intersection with the centerline of Henry County Road No. 12; thence East along the centerline of Henry County Road No. 12 to its intersection with Henry County Road No. 45; thence North along the centerline of Henry County Road No. 45 to its intersection with the centerline of Henry County Road No. 30; thence East along the centerline of Henry County Road No. 30 to its intersection with the centerline of Henry County Road No. 26; thence East along Henry County Road No. 26 to its intersection with Henry County Road No. 55; thence South along the centerline of Henry County Road No. 55 to its intersection with Henry County Road No. 12; thence East along the centerline of Henry County Road No. 12 to its intersection with the centerline of Henry County Road No. 53; thence South along the centerline of Henry County Road No. 53 to its intersection with the centerline of Henry County Road No. 77; thence North along the centerline of Henry County Road No. 77 to its intersection with the centerline of Henry County Link Node Road No. 1048; thence East along the centerline of Henry County Link-Node Road No. 1048 to its intersection with the centerline of Alabama Highway No. 95; thence South along the centerline of Alabama Highway No. 95 to its intersection with Foster Creek; thence East along the center of Foster Creek to the East line of Henry County (Alabama-Georgia line); thence South along the East Line of Henry County to the Southeast corner of Henry County and the point of beginning.

DISTRICT NO. 2

Beginning at the point where Foster Creek drains into the Chattahoochee River at the Georgia line; thence West along Foster Creek to the intersection with Alabama Highway No. 95; thence North along the centerline of Alabama Highway No. 95 to the intersection of Henry County Paved Road Link Node No. 1048, also known as the Will Pitchford Road; thence West along Henry County Road No. 1048 to the intersection of the centerline of Henry County Road No. 77; thence South along the centerline of Henry County Paved Road No. 77 to its intersection with the centerline of Henry County Paved Road No. 53; thence North along the centerline of Henry County Road No. 53 to its intersection with the centerline of County Road No. 12; thence West along the centerline of Henry County Road No. 12 to its intersection with the centerline of County Road No. 55; thence North along the centerline of County Road No. 55 to its intersection with Henry County Road No. 26; thence West along Henry County Road No. 26 to its intersection with Henry County Road No. 30; thence West along the centerline of Henry

County Road No. 30 to its intersection with the centerline of Henry County Road No. 45; thence South along the centerline of Henry County Road No. 45 to its intersection with the centerline of Henry County Road No. 12; thence West along the centerline of Henry County Road No. 12 to the East line of the Newville City Limits; thence North along the East line of the Newville City Limits to the Northeast corner of the Newville City Limits; thence West along the North line of the Newville City Limits to the Northwest corner of the Newville City Limits; thence South along the West line of the Newville City Limits; to its intersection with the centerline of Henry County Road No. 7; thence Northwest along the centerline of Henry County Road No. 7 to its intersection with the centerline of Henry County Road No. 89; thence Northwest along the centerline of Henry County Road No. 89 to its intersection with the centerline of Alabama Highway No. 27; thence Northeast along the centerline of Alabama Highway No. 27 to its intersection with Henry County Road No. 32; thence East along the centerline of Henry County Road No. 32 to its intersection with Henry County Road No. 99 (Old U.S. Highway No. 431); thence North along the centerline of Henry County Road No. 99 to its intersection with the centerline of Henry County Road No. 40; thence Northwest along the centerline of Henry County Road No. 40 to its intersection with the centerline of Alabama Highway No. 27; thence North along the centerline of Alabama Highway No. 27 to its intersection with the centerline of Henry County Road No. 45; thence North along the centerline of Henry County Road No. 45 to its intersection with the centerline of Henry County Link Node Road No. 5056; thence East along Henry County Link Node Road No. 5056 to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to the intersection of the centermost branch of Skipper Creek; thence Southeast along this centermost branch of Skipper Creek to its branchfork running North toward Abbeville High School; thence North along this branch toward Abbeville High School to its intersection with the projected centerline of Pine Street of Abbeville, Alabama; thence East along the projected centerline and the centerline of Pine Street to its intersection with the centerline of Kirkland Street (Alabama Highway No. 27); thence North along the centerline of Kirkland Street to its intersection with the centerline of East Alabama Street; thence East along the centerline of East Alabama Street to its intersection with the centerline of Alabama Highway No. 95 (Columbia Road); thence Southeast along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Henry County or City of Abbeville Link Node Dirt Road No. 5068; thence South along the centerline of Link Node Road No. 5068 to its intersection with the South Line of Abbeville City Limits; thence West along this South Line of Abbeville City Limits to a City Limits Corner; thence South along the Abbeville City Limits Line to a

corner; thence West along the Abbeville City Limits Line to its intersection with Skipper Creek; thence Southeast along Skipper Creek to the first branch leading off in a Northeasterly direction; thence Northeast along this branch to its intersection with the City Limits Line of Abbeville; thence follow the South and East City Limits Line in a counter clock-wise direction to the East City Limits line intersection with Alabama Highway No. 10; thence East along the centerline of Alabama Highway No. 10 to its intersection with the centerline of Henry County Link Node Road No. 1245 in Shorterville; thence East along centerline of Link Node Road No. 1245 to its intersection with the centerline of Henry County Road No. 97; thence Southeast along the centerline of Henry County Road No. 97 to its intersection with the centerline of Henry County Link Node Road No. 1154 (Farmer's Landing Road); thence East along the centerline of Link Node Road No. 1154 to the East Line of Henry County and West Line of Georgia; thence South along the East Line of Henry County and West Line of Georgia to its intersection with Foster Creek Southeast of Haleburg, Alabama, the Point of beginning.

DISTRICT NO. 3

Beginning at the intersection of the centerline of Henry County Link Node Road No. 1154, also known as the Farmer's Landing Road, and the East Line of Henry County and West Line of State of Georgia, approximately three (3) miles East of the Shorterville Community; thence West along Link Node Road No. 1154 (Farmer's Landing Road) to its intersection with the centerline of Henry County Paved Road No. 97; thence Northwest along the centerline of Henry County Paved Road No. 97 to its intersection with the centerline of Henry County Link Node Road No. 1245; thence West along the centerline of Henry County Link Node Road No. 1245 to its intersection with the centerline of Alabama Highway No. 10; thence West along the centerline of Alabama Highway No. 10 to the intersection of Alabama Highway No. 95 (South Doswell Street); thence South along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Clendinen Street; thence West along the centerline of Clendinen Street to its intersection with the centerline of Trawick Street; thence North along the centerline of Trawick Street to its intersection with the centerline of Alabama Highway No. 10 (West Washington Street); thence Northwest along the centerline of Alabama Highway No. 10 and Old Highway U.S. 431 to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of U.S. Highway No. 431 to its intersection with the centerline of Henry County Link Node Road No. 1180 (Firetower Road); thence East along Henry County Link Node Road No. 1180 to its intersection with the centerline of Alabama Highway

No. 95; thence North along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Henry County Road No. 37; thence Northwest along the centerline of Henry County Road No. 37 to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of U.S. Highway No. 431 a short distance to its intersection with the centerline of Henry County Road No. 54; thence Northwest along the centerline of Henry County Road No. 54 to its intersection with the centerline of Henry County Link Node Road No. 1211; thence Southwest along Henry County Link Node Road No. 1211 to its intersection with the centerline of Henry County Road No. 29; thence Southeast along the centerline of Henry County Road No. 29 to its intersection with the centerline of Henry County Link Node Road No. 1186; thence South along the centerline of Henry County Link Node Road No. 1186 to its intersection with the centerline of Alabama Highway No. 10; thence West along the centerline of Alabama Highway No. 10 to the West Line of Henry County and the East Line of Barbour County; thence North along the West Henry County Line to the Northwest Corner of Henry County; thence East along the North Line of Henry County and the South Line of Barbour County to the Northeast Corner of Henry County and the West Georgia Line; thence South along the East Line of Henry County and West Georgia Line to its intersection with the centerline of Henry County Link Node Road No. 1154, also known as Farmer's Landing Road, and the Point of beginning.

DISTRICT NO. 4

Beginning at the intersection of the centerline of Henry County Road No. 32 and the intersection of the centerline of Henry County Road No. 99 (Old U.S. 431); thence West along the centerline of said County Road No. 32 to its intersection with the centerline of Alabama Highway No. 27; thence Southwest along the centerline of said Highway No. 27 to the West line of Henry County (East Line of Dale County); thence North along Henry County's West Line to its intersection with the centerline of Alabama Highway No. 10; thence East along the centerline of said Alabama Highway No. 10 to its intersection with the centerline of Link Node Road No. 1186; thence North along the centerline of said Link Node Road No. 1186 to its intersection with the centerline of Henry County Road No. 29; thence North along the centerline of said County Road No. 29 to its intersection with the centerline of Henry County Link Node Road No. 1211; thence Northeast along the centerline of said Link Node Road No. 1211 to its intersection with the centerline of Henry County Road No. 54; thence East along the centerline of said County Road No. 54 to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of said U.S. Highway No. 431 to its intersection with the centerline of Henry County Road

No. 37; thence Southeast along the centerline of said Henry County Road No. 37 to its intersection with the centerline of Alabama Highway No. 95; thence South along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Henry County Link Node Dirt Road No. 1180 (Fire Tower Road); thence West along the centerline of said County Link Node Road No. 1180 to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to its intersection with the centerline of Old U.S. Highway No. 431; thence South along the centerline of Old U.S. Highway No. 431 to its intersection with the centerline of Alabama Highway No. 10; thence East along the centerline of said Alabama Highway No. 10 to its intersection with the centerline of Trawick Street in Abbeville, Alabama; thence South along the centerline of Trawick Street to its intersection with the centerline of Clendinen Street; thence East along the centerline of Clendinen Street to its intersection with the centerline of Alabama Highway No. 95 (South Doswell Street); thence North along the centerline of Alabama Highway No. 95 (South Doswell Street) to its intersection with the centerline of Alabama Highway No. 10 (East Washington Street); thence East along the centerline of Alabama Highway No. 10 (East Washington Street) to its intersection with the East City Limit's line of Abbeville, Alabama; thence South and West along the City Limit's line of Abbeville, Alabama to its intersection with a Branch Head South of Merritt's Subdivision; thence Southwest along said branch to its intersection with Skipper Creek; thence Northwest along Skipper Creek to its intersection with the South City Limit's line of Abbeville, Alabama; thence East, North and East along the South City Limit's lines of Abbeville, Alabama to its intersection with Link Node Dirt Road No. 5068; thence North along said Link Node Road No. 5068 to its intersection with the centerline of Alabama Highway No. 95; thence Northwest along the centerline of said Alabama Highway No. 95 to its intersection with the centerline of Alabama Street; thence West along the centerline of Alabama Street to its intersection with the centerline of Kirkland Street; thence South along the centerline of said Kirkland Street to its intersection with the centerline of Pine Street; thence West along the centerline and projected centerline of Pine Street to its intersection of a Branch; thence Southwest along this Branch to its intersection with the center of Skipper Creek; thence Northwest along the center of Fork of Skipper Creek to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of said U.S. Highway No. 431 to its intersection with the centerline of Link Node Road No. 5056 (Sam Singletary Road); thence West along the centerline of said Link Node Road No. 5056 to its intersection with the centerline of Henry County Road No. 45; thence South along the centerline of said County Road No. 45 to its intersection with the centerline of Alabama Highway

No. 27; thence South along the centerline of said Alabama Highway No. 27 to its intersection with the centerline of Henry County Road No. 40; thence Southeast along the centerline of said Henry County Road No. 40 to its intersection with the centerline of Henry County Road No. 99 (Old U.S. Highway No. 431); thence South along the centerline of said Henry County Road No. 99 (Old U.S. Highway No. 431) to its intersection with the centerline of Henry County Road No. 32 and the Point of beginning.

DISTRICT NO. 5

Beginning at the intersection of the centerline of Henry County Paved Road No. 15 and the centerline of Alabama Highway Number 134; thence West along the centerline of said Alabama Highway Number 134 to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to its intersection with the centerline of Holman Drive; thence West along the centerline of Holman Drive to its intersection with the centerline of Peachtree Street; thence Northwest along the centerline of Peachtree Street to its intersection with the centerline of Cable Street; thence North along the centerline of Cable Street to its intersection with the centerline of Whitten Street; thence West along the centerline of Whitten Street to its intersection with the centerline of Peachtree Street; thence North along the centerline of Peachtree Street to its intersection with the centerline of Sparks Street; thence East along the centerline of Sparks Street to its intersection with the centerline of Cable Street; thence North along the centerline of Cable Street to its intersection with the centerline of Alabama Highway No. 134 (East Church Street); thence West along the centerline of Alabama Highway No. 134 (East Church Street) to its intersection with the centerline of Mitchell Street; thence North along the centerline of Mitchell Street to its intersection with the centerline of Holland Street; thence West along the centerline of Holland Street to its intersection with the centerline of Cleveland Street; thence North along the centerline and projected centerline of Cleveland Street to its intersection with the centerline of Seaboard Coast Line Railroad Company; thence Southwest along the centerline of Seaboard Coast Line Railroad Company to its intersection with the West City Limits Line of Headland, Alabama; thence North along the West City Limits Line of Headland to its intersection with the centerline of Henry County Road No. 16; thence West along the centerline of said Henry County Road No. 16 to its intersection with the West Line of Henry County and East Line of Dale County; thence North along the West Line of Henry County to its intersection with the centerline of Alabama Highway No. 27; thence East along said centerline of Alabama Highway No. 27 to its intersection with the centerline of Henry County Road No. 89; thence Southeast along

the centerline of Henry County Road No. 89 to its intersection with the centerline of Henry County Road No. 7; thence Southeast along the centerline of Henry County Road No. 7 to its intersection with the West City Limits Line of Newville, Alabama; thence North along the West City Limits Line of Newville to the Northwest Corner of Newville City Limits; thence East along the North City Limits Line to the Northeast Corner of Newville City Limits; thence South along the East Line of Newville City Limits to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to its intersection with the centerline of Henry County Road No. 9; thence Southwest along the centerline of Henry County Road No. 9 to its intersection with the North City Limits Line of Headland, Alabama; thence East along the North City Limits Line of Headland to the Northeast corner of City Limits Line of Headland; thence South along the East City Limits Line of Headland to its intersection with the centerline of Henry County Road No. 99 (Old U.S. Highway No. 431); thence Northeast along the centerline of Henry County Road No. 99 (Old U.S. Highway No. 431) to its intersection with the centerline of said Henry County Road 15; thence South along the centerline of said Henry County Road No. 15 to its intersection with the centerline of Alabama Highway No. 134 and the Point of beginning.

Section 4. At the general elections in 1988 and 1990 and every four (4) years thereafter, the qualified electors residing in each of said districts in Henry County shall elect one commissioner for that district, who shall be a bona fide elector of and shall actually reside in the district for which he is elected, and who shall hold office for a period of four (4) years, and until his successor shall be elected and qualified.

Section 5. This act shall not affect the duties, rights, and responsibilities of the present members of the Henry County Commission, but said commissioners shall continue to hold and discharge the duties of said office as now incumbent upon them and as may be incumbent upon them by law, until their successors shall be elected and qualified under this act.

Section 6. Any vacancy occurring in the office of county commissioner shall be filled in the manner otherwise provided by law concerning the filling of vacancies of Henry County Commissioners.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall have retroactive effect to the election of the members of the Henry County Commission in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-335 H. 633—Rep. Beasley

AN ACT

Relating to Henry County; providing for the composition of the board of education; providing for the election of the members of said board from single-member districts and defining such districts; prescribing the manner of election and terms of such members; providing that the chairperson shall be elected from the membership of such board; providing for filling vacancies on such board and providing that this act shall have retroactive effect to the election of the members of the Henry County Board of Education in 1986 as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning in 1986 and continuing until the expiration of the term of office of any member of the Henry County Board of Education elected to such board in 1984, the Henry County Board of Education shall be composed of six members. Thereafter, such board shall be composed of five members elected from five single-member districts within said county, as hereinafter defined. The chairperson for the board shall be elected from the membership of the board immediately after the members elected to the board in 1986 have taken their seats on the board and thereafter the board, in like manner, shall elect a chairperson every two years. Those board members seeking to serve Districts No. 2, No. 4 and No. 5 shall run and be elected from their respective districts in 1986 and shall serve six-year terms. Those board members seeking to serve Districts No. 1 and No. 3 shall run and be elected from their respective districts in 1988 and shall likewise serve six-year terms. The term of office of a member of the board of education, when elected, shall officially begin at the first meeting of the board of education next following the election of any member to such board.

Section 2. For the purpose of this act, and for future elections of members of the board of education, Henry County is hereby

divided into five separate geographical districts, to be numbered 1 to 5 inclusive, and are hereby described as follows:

DISTRICT NO. 1

Beginning at the Southeast Corner of Henry County at Georgia Line on East Side and Houston County on South Side; thence West along the South line of Henry County to the Southwest Corner of Henry County; thence North along the West line of Henry County to the intersection of Henry County Road No. 16; thence East along the centerline of said Henry County Road No. 16 to the intersection of the West City Limits of Headland, Alabama; thence South along the West City Limits line to the intersection of centerline of Seaboard Coast Line Railroad; thence Northeast along centerline of Seaboard Coast Line Railroad Tracks to its intersection with the projected centerline of Cleveland Street; thence South along the centerline of Cleveland Street to the intersection of Holland Street; thence East along the centerline of Holland Street to its intersection with Mitchell Street; thence South along the centerline of Mitchell Street to its intersection with East Church Street (Alabama Highway No. 134); thence East along the centerline of East Church Street to its intersection with Cable Street; thence South along the centerline of Cable Street to its intersection with Sparks Street; thence West along the centerline of Sparks Street to its intersection with Peachtree Street; thence South along Peachtree Street to its intersection with Whitten Street; thence East along the centerline of Whitten Street to its intersection with Cable Street; thence South along the centerline of Cable Street to its intersection with the centerline of Peachtree Street; thence Southeast along the centerline Peachtree Street to its intersection with Holman Drive; thence East along the centerline of Holman Drive to the intersection of centerline of U.S. Highway No. 431; thence North along the centerline of U.S. Highway No. 431 to the intersection of centerline of Alabama Highway No. 134; thence East along the centerline of Alabama Highway No. 134 to the intersection of centerline of County Road No. 15; thence North along the centerline of County Road No. 15 to the centerline of Henry County Road No. 99 (Old U.S. 431); thence West along County Road No. 99 to the East City Limits Line of Headland, Alabama; thence North along the East City Limits Line of Headland to its Northeast Corner; thence West along the North City Limits Line of Headland to its intersection with the centerline of Henry County Road No. 9; thence North along the centerline of Henry County Road No. 9 to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of Henry County Road No. 431 to its intersection with the centerline of Henry County Road No. 12; thence East along the centerline of Henry County Road No. 12 to its intersection with Henry County Road No. 45; thence North along

the centerline of Henry County Road No. 45 to its intersection with the centerline of Henry County Road No. 30; thence East along the centerline of Henry County Road No. 30 to its intersection with the centerline of Henry County Road No. 26; thence East along Henry County Road No. 26 to its intersection with Henry County Road No. 55; thence South along the centerline of Henry County Road No. 55 to its intersection with Henry County Road No. 12; thence East along the centerline of Henry County Road No. 12 to its intersection with the centerline of Henry County Road No. 53; thence South along the centerline of Henry County Road No. 53 to its intersection with the centerline of Henry County Road No. 77; thence North along the centerline of Henry County Road No. 77 to its intersection with the centerline of Henry County Link Node Road No. 1048; thence East along the centerline of Henry County Link Node Road No. 1048 to its intersection with the centerline of Alabama Highway No. 95; thence South along the centerline of Alabama Highway No. 95 to its intersection with Foster Creek; thence East along the center of Foster Creek to the East Line of Henry County (Alabama-Georgia Line); thence South along the East Line of Henry County to the Southeast Corner of Henry County and the Point of beginning.

DISTRICT NO. 2

Beginning at the Point where Foster Creek drains into the Chattahoochee River at the Georgia Line; thence West along Foster Creek to the intersection with Alabama Highway No. 95; thence North along the centerline of Alabama Highway No. 95 to the intersection of Henry County Paved Road Link Node No. 1048, also known as the Will Pitchford Road; thence West along Henry County Road No. 1048 to the intersection of the centerline of Henry County Road No. 77; thence South along the centerline of Henry County Paved Road No. 77 to its intersection with the centerline of Henry County Paved Road No. 53; thence North along the centerline of Henry County Road No. 53 to its intersection with the centerline of County Road No. 12; thence West along the centerline of Henry County Road No. 12 to its intersection with the centerline of County Road No. 55; thence North along the centerline of County Road No. 55 to its intersection with Henry County Road No. 26; thence West along Henry County Road No. 26 to its intersection with Henry County Road No. 30; thence West along the centerline of Henry County Road No. 30 to its intersection with the centerline of Henry County Road No. 45; thence South along the centerline of Henry County Road No. 45 to its intersection with the centerline of Henry County Road No. 12; thence West along the centerline of Henry County Road No. 12 to the East Line of the Newville City Limits; thence North along the East Line of the Newville City Limits to

the Northeast Corner of the Newville City Limits; thence West along the North Line of the Newville City Limits to the Northwest Corner of the Newville City Limits; thence South along the West Line of the Newville City Limits; to its intersection with the centerline of Henry County Road No. 7; thence Northwest along the centerline of Henry County Road No. 7 to its intersection with the centerline of Henry County Road No. 89; thence Northwest along the centerline of Henry County Road No. 89 to its intersection with the centerline of Alabama Highway No. 27; thence Northeast along the centerline of Alabama Highway No. 27 to its intersection with Henry County Road No. 32; thence East along the centerline of Henry County Road No. 32 to its intersection with Henry County Road No. 99 (Old U.S. Highway No. 431); thence North along the centerline of Henry County Road No. 99 to its intersection with the centerline of Henry County Road No. 40; thence Northwest along the centerline of Henry County Road No. 40 to its intersection with the centerline of Alabama Highway No. 27; thence North along the centerline of Alabama Highway No. 27 to its intersection with the centerline of Henry County Road No. 45; thence North along the centerline of Henry County Road No. 45 to its intersection with the centerline of Henry County Link Node Road No. 5056; thence East along Henry County Link Node Road No. 5056 to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to the intersection of the centermost branch of Skipper Creek; thence Southeast along this centermost branch of Skipper Creek to its branchfork running North toward Abbeville High School; thence North along this branch toward Abbeville High School to its intersection with the Projected centerline of Pine Street of Abbeville, Alabama; thence East along the projected centerline and the centerline of Pine Street to its intersection with the centerline of Kirkland Street (Alabama Highway No. 27); thence North along the centerline of Kirkland Street to its intersection with the centerline of East Alabama Street; thence East along the centerline of East Alabama Street to its intersecton with the centerline of Alabama Highway No. 95 (Columbia Road); thence Southeast along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Henry County or City of Abbeville Link Node Dirt Road No. 5068; thence South along the centerline of Link Node Road No. 5068 to its intersection with the South Line of Abbeville City Limits; thence West along this South Line of Abbeville City Limits to a City Limits Corner; thence South along the Abbeville City Limits Line to a corner; thence West along the Abbeville City Limits Line to its intersection with Skipper Creek; thence Southeast along Skipper Creek to the first branch leading off in a Northeasterly direction; thence Northeast along this branch to its intersection with the City Limits Line of Abbeville; thence follow the South and East City Limits Line in a counter clock-wise direction to the East City

Limits line intersection with Alabama Highway No. 10; thence East along the centerline of Alabama Highway No. 10 to its intersection with the centerline of Henry County Link Node Road No. 1245 in Shorterville; thence East along centerline of Link Node Road No. 1245 to its intersection with the centerline of Henry County Road No. 97; thence Southeast along the centerline of Henry County Road No. 97 to its intersection with the centerline of Henry County Link Node Road No. 1154 (Farmer's Landing Road); thence East along the centerline of Link Node Road No. 1154 to the East Line of Henry County and West Line of Georgia; thence South along the East Line of Henry County and West Line of Georgia to its intersection with Foster Creek Southeast of Haleburg, Alabama, the Point of beginning.

DISTRICT NO. 3

Beginning at the intersection of the centerline of Henry County Link Node Road No. 1154, also known as the Farmer's Landing Road, and the East Line of Henry County and West Line of State of Georgia, approximately three (3) miles East of the Shorterville Community; thence West along Link Node Road No. 1154 (Farmer's Landing Road) to its intersection with the centerline of Henry County Paved Road No. 97; thence Northwest along the centerline of Henry County Paved Road No. 97 to its intersection with the centerline of Henry County Link Node Road No. 1245; thence West along the centerline of Henry County Link Node Road No. 1245 to its intersection with the centerline of Alabama Highway No. 10; thence West along the centerline of Alabama Highway No. 10 to the intersection of Alabama Highway No. 95 (South Doswell Street); thence South along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Clendinen Street; thence West along the centerline of Clendinen Street to its intersection with the centerline of Trawick Street; thence North along the centerline of Trawick Street to its intersection with the centerline of Alabama Highway No. 10 (West Washington Street); thence Northwest along the centerline of Alabama Highway No. 10 and Old Highway U.S. 431 to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of U. S. Highway No. 431 to its intersection with the centerline of Henry County Link Node Road No. 1180 (Firetower Road); thence East along Henry County Link Node Road No. 1180 to its intersection with the centerline of Alabama Highway No. 95; thence North along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Henry County Road No. 37; thence Northwest along the centerline of Henry County Road No. 37 to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of U.S. Highway No. 431 a short distance to its intersection with the centerline of Henry County

Road No. 54; thence Northwest along the centerline of Henry County Road No. 54 to its intersection with the centerline of Henry County Link Node Road No. 1211; thence Southwest along Henry County Link Node Road No. 1211 to its intersection with the centerline of Henry County Road No. 29; thence Southeast along the centerline of Henry County Road No. 29 to its intersection with the centerline of Henry County Link Node Road No. 1186; thence South along the centerline of Henry County Link Node Road No. 1186 to its intersection with the centerline of Alabama Highway No. 10; thence West along the centerline of Alabama Highway No. 10 to the West Line of Henry County and the East Line of Barbour County; thence North along the West Henry County Line to the Northwest Corner of Henry County; thence East along the North Line of Henry County and the South Line of Barbour County to the Northeast Corner of Henry County and the West Georgia Line; thence South along the East Line of Henry County and West Georgia Line to its intersection with the centerline of Henry County Link Node Road No. 1154, also known as Farmers Landing Road, and the Point of beginning.

DISTRICT NO. 4

Beginning at the intersection of the centerline of Henry County Road No. 32 and the intersection of the centerline of Henry County Road No. 99 (Old U.S. 431); thence West along the centerline of said County Road No. 32 to its intersection with the centerline of Alabama Highway No. 27; thence Southwest along the centerline of said Highway No. 27 to the West line of Henry County (East Line of Dale County); thence North along Henry County's West Line to its intersection with the centerline of Alabama Highway No. 10; thence East along the centerline of said Alabama Highway No. 10 to its intersection with the centerline of Link Node Road No. 1186; thence North along the centerline of said Link Node Road No. 1186 to its intersection with the centerline of Henry County Road No. 29; thence North along the centerline of said County Road No. 29 to its intersection with the centerline of Henry County Link Node Road No. 1211; thence Northeast along the centerline of said Link Node Road No. 1211 to its intersection with the centerline of Henry County Road No. 54; thence East along the centerline of said County Road No. 54 to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of said U.S. Highway No. 431 to its intersection with the centerline of Henry County Road No. 37; thence Southeast along the centerline of said Henry County Road No. 37 to its intersection with the centerline of Alabama Highway No. 95; thence South along the centerline of Alabama Highway No. 95 to its intersection with the centerline of Henry County Link Node Dirt Road No. 1180 (Fire Tower Road); thence West along the centerline of said County Link Node Road No. 1180

to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to its intersection with the centerline of Old U.S. Highway No. 431; thence South along the centerline of Old U.S. Highway No. 431 to its intersection with the centerline of Alabama Highway No. 10; thence East along the centerline of said Alabama Highway No. 10 to its intersection with the centerline of Trawick Street in Abbeville, Alabama; thence South along the centerline of Trawick Street to its intersection with the centerline of Clendinen Street; thence East along the centerline of Clendinen Street to its intersection with the centerline of Alabama Highway No. 95 (South Doswell Street); thence North along the centerline of Alabama Highway No. 95 (South Doswell Street) to its intersection with the centerline of Alabama Highway No. 10 (East Washington Street); thence East along the centerline of Alabama Highway No. 10 (East Washington Street) to its intersection with the East City Limit's line of Abbeville, Alabama; thence South and West along the City Limit's line of Abbeville, Alabama to its intersection with a Branch Head South of Merritt's Subdivision; thence Southwest along said branch to its intersection with Skipper Creek; thence Northwest along Skipper Creek to its intersection with the South City Limit's line of Abbeville, Alabama; thence East, North and East along the South City Limit's lines of Abbeville, Alabama to its intersection with Link Node Dirt Road No. 5068; thence North along said Link Node Road No. 5068 to its intersection with the centerline of Alabama Highway No. 95; thence Northwest along the centerline of said Alabama Highway No. 95 to its intersection with the centerline of Alabama Street; thence West along the centerline of Alabama Street to its intersection with the centerline of Kirkland Street; thence South along the centerline of said Kirkland Street to its intersection with the centerline of Pine Street; thence West along the centerline and projected centerline of Pine Street to its intersection of a Branch; thence Southwest along this Branch to its intersection with the center of Skipper Creek; thence Northwest along the center of Fork of Skipper Creek to its intersection with the centerline of U.S. Highway No. 431; thence North along the centerline of said U.S. Highway No. 431 to its intersection with the centerline of Link Node Road No. 5056 (Sam Singletary Road); thence West along the centerline of said Link Node Road No. 5056 to its intersection with the centerline of Henry County Road No. 45; thence South along the centerline of said County Road No. 45 to its intersection with the centerline of Alabama Highway No. 27; thence South along the centerline of said Alabama Highway No. 27 to its intersection with the centerline of Henry County Road No. 40; thence Southeast along the centerline of said Henry County Road No. 40 to its intersection with the centerline of Henry County Road No. 99 (Old U.S. Highway No. 431); thence South along the centerline of said Henry County Road No. 99 (Old U.S. Highway

No. 431) to its intersection with the centerline of Henry County Road No. 32 and the Point of beginning.

DISTRICT NO. 5

Beginning at the intersection of the centerline of Henry County Paved Road No. 15 and the centerline of Alabama Highway Number 134; thence West along the centerline of said Alabama Highway No. 134 to its intersection with the centerline of U. S. Highway No. 431; thence South along the centerline of U. S. Highway No. 431 to its intersection with the centerline of Holman Drive; thence West along the centerline of Holman Drive to its intersection with the centerline of Peachtree Street; thence Northwest along the centerline of Peachtree Street to its intersection with the centerline of Cable Street; thence North along the centerline of Cable Street to its intersection with the centerline of Whitten Street; thence West along the centerline of Whitten Street to its intersection with the centerline of Peachtree Street; thence North along the centerline of Peachtree Street to its intersection with the centerline of Sparks Street; thence East along the centerline of Sparks Street to its intersection with the centerline of Cable Street; thence North along the centerline of Cable Street to its intersection with the centerline of Alabama Highway No. 134 (East Church Street); thence West along the centerline of Alabama Highway No. 134 (East Church Street) to its intersection with the centerline of Mitchell Street; thence North along the centerline of Mitchell Street to its intersection with the centerline of Holland Street; thence West along the centerline of Holland Street to its intersection with the centerline of Cleveland Street; thence North along the centerline and projected centerline of Cleveland Street to its intersection with the centerline of Seaboard Coast Line Railroad Company; thence Southwest along the centerline of Seaboard Coast Line Railroad Company to its intersection with the West City Limits of Headland, Alabama; thence North along the West City Limits Line of Headland to its intersection with the centerline of Henry County Road No. 16; thence West along the centerline of said Henry County Road No. 16 to its intersection with the West Line of Henry County and East Line of Dale County; thence North along the West Line of Henry County to its intersection with the centerline of Alabama Highway No. 27; thence East along said centerline of Alabama Highway No. 27 to its intersection with the centerline of Henry County Road No. 89; thence Southeast along the centerline of Henry County Road No. 89 to its intersection with the centerline of Henry County Road No. 7; thence Southeast along the centerline of Henry County Road No. 7 to its intersection with the West City Limits Line of Newville, Alabama; thence North along the West City Limits Line of Newville to the Northwest Corner of Newville City Limits; thence East along the North City Limits Line

to the Northeast Corner of Newville City Limits; thence South along the East Line of Newville City Limits to its intersection with the centerline of U.S. Highway No. 431; thence South along the centerline of U.S. Highway No. 431 to its intersection with the centerline of Henry County Road No. 9; thence Southwest along the centerline of Henry County Road No. 9 to its intersection with the North City Limits Line of Headland, Alabama; thence East along the North City Limits Line of Headland to the Northeast corner of City Limits Line of Headland; thence South along the East City Limits Line of Headland to its intersection with the centerline of Henry County Road No. 99 (Old U.S. Highway No. 431); thence Northeast along the centerline of Henry County Road No. 99 (Old U.S. Highway No. 431) to its intersection with the centerline of said Henry County Road 15; thence South along the centerline of said Henry County Road No. 15 to its intersection with the centerline of Alabama Highway No. 134 and the Point of beginning.

Section 3. At the general elections in 1988 and 1992 and every six (6) years thereafter, the qualified electors residing in each of said districts in Henry County shall elect one board member for that district, who shall be a bona fide elector of and shall actually reside in the district for which he is elected, and who shall hold office for a period of six (6) years, and until his successor shall be elected and qualified.

Section 4. This act shall not affect the duties, rights, and responsibilities of the present members of the Henry County board of education, but said board members shall continue to hold and discharge the duties of said office as now incumbent upon them and as may be incumbent upon them by law, until their successors shall be elected and qualified under this act.

Section 5. Any vacancy occurring on the board of education shall be filled in the manner otherwise provided by law concerning the filling of vacancies on the Henry County board of education.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall have retroactive effect to the election of the members of the Henry County Board of Education as such election was conducted in compliance with guidelines prescribed for such election in a consent decree of the United States District Court for the Middle District of Alabama, Southern Division.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-336 H. 634—Rep. Beasley

AN ACT

Relating to Henry County; providing certain additional compensation for the poll workers to be paid from the county general fund retroactive to October 1, 1986.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation heretofore provided by law for the poll workers in Henry County, each poll worker shall be entitled to a $5.00 per meeting day increase in such compensation with such increase to be paid in the usual manner from the county general fund. The increase in compensation herein provided for such poll workers shall be retroactive to October 1, 1986.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-337 H. 392—Rep. Holley

AN ACT

Relating to Coffee County; authorizing the Coffee County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom; authorizing the county commission to enter into service contracts for county fire protection; expressing legislative intent regarding said contracts; and repealing Act 86-718, 1986 1st Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coffee County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco

products in Coffee County a county privilege, license or excise tax in the following amounts:

(a) Five cents ($0.05) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Five cents ($0.05) for each package of cigars or cigarellos, such as Winchester, which are similar to, and which are packaged like, cigarettes.

(c) Two cents ($0.02) for each cigar, cheroot, or stogie of any description made of tobacco or any substitute therefor which are not similar to, nor packaged like, cigarettes as provided for in (b).

(d) Two cents ($0.02) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which are prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(e) Three cents ($0.03) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(f) Three cents ($0.03) for each can, bottle, glass, tumbler package or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other federal, state or local taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Upon adoption of a resolution by the Coffee County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose in Coffee County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the

amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products.

Section 3. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Coffee County in the business for which the tax is hereby levied to fail or refuse to add to the price and collect from the purchaser the amount due on account on the tax herein provided or to refund or offer to refund all or part of the amount collected or absorb or advertise directly or indirectly the absorption of the tax or any portion thereof.

Section 4. The proceeds from the tax hereby authorized, less the actual cost of collection not to exceed five per centum (5%) shall be paid by the state department of revenue to the Coffee County Commission, on a monthly basis. Five percent (5%) of said revenue shall be paid into the county general fund. The remaining funds shall be placed by the Coffee County Commission into a special account to be used exclusively for county fire protection purposes. The county commission shall be authorized to enter into service contracts with individual volunteer fire departments and/or with associations which represent more than one volunteer fire department to provide fire protection to a part or all of the county. The compensation for said contracts shall be paid from funds in said special account. The county commission shall be authorized to develop certain standards and criteria which shall be met by all volunteer fire departments with which it enters into contract.

It is the intent of the legislature that said contractual agreements shall be considered as a contract between the county and an independent contractor. It is the further intent of the legislature that said volunteer fire departments shall not be considered as employees, servants or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of said volunteer fire departments.

Section 5. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 6. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purpose of this act. All such rules and regulations duly promulgated shall have force and effect of law.

Section 7. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully set out herein.

Section 8. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesaler dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. The provisions of this act shall be construed in pari materia with any and all other provisions of law, or parts of law, relating to taxes, tobacco products or firefighting departments; provided, however, that all laws or parts of laws which are in direct conflict herewith are hereby repealed. Act 86-718 (Acts of 1986 1st Special Session, pg. 137) of the 1986 1st Special Session is hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-338 H. 400—Rep. Black

AN ACT

Relating to Sumter County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In circumstances not specifically provided in the general laws of the state, including specifically without limitation Chapter 12 of Title 35; Section 20-2-93 and Title 28, all of the Code of Alabama 1975, the sheriff of Sumter County is hereby authorized to sell at public auction confiscated, abandoned or unclaimed personal property as hereinafter provided.

Section 2. Prior to the sale of property as described in Section 1, the sheriff must advertise such sale, the time and place thereof and a description of the property, at least once a week for four successive weeks in a newspaper having county-wide circulation. The sheriff or one of his officers must conduct entirely any such public sale, and any proceeds thereof shall be deposited in the Pistol Permit Account for the Sheriff's Department. Such proceeds shall be used as determined by the sheriff. Except as herein otherwise provided, the procedures for the condemnation and forfeiture of such confiscated or abandoned or unclaimed personal property shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence, the provisions of § 28-4-286 through § 28-4-290 shall apply to govern all such proceedings.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-339 H. 690—Rep. White (F)

AN ACT

Relating to Escambia County; to repeal Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921) which provides for the payment or reimbursement by the county to the members and chairman of the county commission of actual expenses incurred in the performance of their duties outside the county, including expenses incurred in attending conventions of the national and Alabama associations of county commissioners, retroactive to June 1, 1987.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 649, H. 1144, 1978 Regular Session (Acts 1978, p. 921), is hereby expressly repealed retroactive to June 1, 1987.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 30, 1987

Time: 5:30 P.M.

Act No. 87-340 H. 757—Rep. Bryant

AN ACT

Relating to Perry County; to provide for the election of members of the county commission and members of the board of education from districts; to define the districts; and to provide further for the terms and election of said members.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to Act No. 85-486, S. 604, 1985 Regular Session, Perry County is hereby divided into five districts, as provided herein, for the purpose of electing members of the county commission and members of the board of education.

Section 2. The Perry County Commission and the Perry County Board of Education shall consist of five members each who shall be residents of that district. One member shall be elected from each of the five districts for that body by the electors residing within the district. Each member of the county commission must reside in the district he represents during his term of office. Each body shall select its chairperson from among its membership. The salary of the current probate judge shall not be reduced as a result of this act. The terms of the board of education members shall be staggered so that at the initial election of all members, the member from District 5 will be elected for two years; the members from Districts 3 and 4 will be elected for four years; and the members from Districts 1 and 2 will be elected for six years. Thereafter, all members will be elected for six-year terms. The terms of the commission members shall be staggered so that at the initial election of all members, the members from Districts 4 and 5 will be elected for two years and the members from Districts 1, 2 and 3 will be elected for four years. Thereafter, all members will be elected for four years.

If there is a special election pursuant to this act, then the board of education member elected from District 5 will be elected for a

term to expire at the general election in 1988; board members elected from Districts 3 and 4 will be elected for a term to expire at the general election in 1990; and board members elected from Districts 1 and 2 will be elected for a term to expire at the general election in 1992. Thereafter, all elections will be for a term of six years according to the general laws of Alabama. If there is a special election pursuant to this act, then the commission members elected from Districts 4 and 5 will be elected for a term to expire the first Monday after the second Tuesday in January 1989, and commission members elected from Districts 1, 2 and 3 will be elected for a term to expire the first Monday after the second Tuesday in January 1991. Thereafter, all commission members will be elected for four-year terms according to the general laws of Alabama.

Section 3. The districts shall be as follows:

DISTRICT I

Begin at Washington Street and DeKalb in Marion, thence east along DeKalb to Rutledge, thence SE along Rutledge to Highway 183, thence South on Highway 183 to Fikesferry Road, thence East on Fikesferry Road to ED line 156; thence Southwest along ED line 156 to Highway 5; thence south along Highway 5 to County Road 12, thence west along County Road 12 to the eastern Uniontown city boundary; thence South along the Uniontown boundary line to Canebrake Street, thence east along Canebrake Street to Church Street, thence south along Church Street to Orchard Street, thence west along Orchard Street to Jeff Gardner Street, thence South along Jeff Gardner Street to the city boundary; thence west along the city boundary line to County Road 53, thence north along County Road 53 to Lucius, thence west along Lucius to Semac, thence north along Semac to Highway 80, thence East along Highway 80 to Highway 183, thence north along Highway 183 to North Street, thence west along North Street to Broadway Avenue, thence north along Broadway to city boundary; thence East along the city boundary line to Highway 183, thence North along Highway 183 to County Road 23, thence north along County Road 23 to a dirt road known as Gooden Road, thence east along Gooden Road to a dirt road known as Holifield Road, thence north along Holifield Road to Highway 14, thence East along Highway 14 to Herbert Street in Marion, thence south along Herbert Street to Clay, thence East along Clay to an extension of Booker Street, thence South to Lincoln Street, thence east along Lincoln Street to Margin Street, thence south along Margin Street to a stream of water, thence south along the stream to the railroad, thence west along the railroad to city boundary, thence south along the city boundary line to Highway 5, thence north along Highway 5 to Washington Street, thence north along Washington Street to DeKalb, which is the point of beginning.

DISTRICT II

Begin at western Perry County boundary and Highway 14; thence east along Highway 14 to a dirt road known as Terry Hog Farm Road, thence northeast along Terry Hog Farm Road to Cornelia Street in Marion, thence continue east along Cornelia Street to Clement Street, thence east along Clement Street to Davis Street; thence east along Davis Street to Highway 14, thence NE along Highway 14 to County Road 64 (also known as ED line 150), thence east along ED line 150 to eastern Perry County line; thence north along the county line to the northern Perry County line, thence west along the northern county line to the western Perry County line, thence south along the western Perry County line to Highway 14 which is the point of beginning.

DISTRICT III

Begin at Highway 14 and the western Perry County boundary line; thence south to southern boundary line of Uniontown, thence east along the southern Uniontown boundary line to County Road 53; thence north along County Road 53 to Lucius Street, thence west along Lucius Street to Semac Street; thence north along Semac Street to Highway 80, thence east along Highway 80 to Highway 183, thence north along Highway 183 to North Street; thence west along North Street to Broadway Avenue, thence north along Broadway Avenue to Uniontown city boundary line; thence east along the city boundary line to Highway 183; thence north along Highway 183 to County Road 23; thence north along County Road 23 to Gooden Road; thence East along Gooden Road to Holifield Road; thence north along Holifield Road to Highway 14 East, thence east along Highway 14 to Herbert Drive in Marion; thence south along Herbert Drive to Clay Street, thence east along Clay Street to an extension of Booker Street; thence south along Booker Street to Lincoln Street; thence east along Lincoln Street to Church Street; thence north along Church Street to Clay Street; thence west along Clay Street to a stream of water, thence north along stream to Thompson Street; thence east along Thompson Street until it ends, thence east along an extension of Thompson Street to a stream, thence east along the stream to Sprott Street; thence east along Sprott Street to Edwards Street; thence east along Edward Street, thence continue south along Edward Street to Lafayette Street, thence east along Lafayette Street to Crenshaw Spring Road; thence east along Crenshaw Spring Road to Simpson Norris Road; thence east along Simpson Norris Road to an old abandoned county road; thence east along the old abandoned county road to the Cahaba River; thence north along the Cahaba River to Highway 14; thence south along Highway 14 to Davis Street in Marion; thence west along Davis Street to Clements Street; thence west along Clements Street to Cornelia Street, thence west along

Cornelia Street to a dirt road known as Terry Hog Farm Road, thence south along Terry Hog Farm Road to Highway 14, thence west along Highway 14 to the Perry County line which is the point of beginning.

DISTRICT IV

Begin at Southern boundary line of Perry County and Cahaba River; thence north along the Cahaba River to Fikesferry Road; thence west along the Fikesferry Road to ED line 156; thence southwest along ED line 156 to Highway 5; thence south along Highway 5 to County Road 12; thence west along County Road 12 to the eastern boundary line of Uniontown; thence south along the city boundary line to Canebrake Street; thence east along Canebrake Street to Church Street; thence Southwest along Church Street to Orchard Street; thence west along Orchard Street to Jeff Gardner Avenue; thence south along Jeff Gardner Avenue to city boundary; thence west along the city boundary line to western Perry County boundary line; thence south along the western Perry County boundary line to the southern Perry County boundary line, thence east along the southern Perry County boundary line to the Cahaba River which is the point of beginning.

DISTRICT V

Begin at the southern Perry County boundary line and Cahaba River; thence east along the southern Perry County boundary line to eastern Perry County boundary line, thence north along the eastern Perry County boundary line to ED line 150, thence west along ED line 150 to the Cahaba River; thence south along the Cahaba River to an old abandoned county road; thence west along the old abandoned county road to Simpson Norris Road; thence west along the Simpson Norris Road to Crenshaw Spring Road, thence west along the Crenshaw Spring Road to Lafayette Street in Marion, thence west along Lafayette Street to Edwards Street; thence northwest along Edwards Street to Sprott Street; thence west along Sprott Street to a stream of water, thence west along the stream to an extension of Thompson Street, thence west along the extension of Thompson Street to Thompson Street, thence west along Thompson Street to a stream of water, thence south along the stream to Clay Street; thence east along Clay Street to Church Street; thence south along Church Street to Lincoln Street; thence east along Lincoln Street to Margin Street thence south along Margin Street to a stream of water, thence south along the stream to railroad; thence west along railroad to Marion city boundary; thence south along the city boundary line to Highway 5; thence North along Highway 5 to Washington Street; thence north along Washington Street to DeKalb Street; thence east along DeKalb to Rutledge Street; thence south along Rutledge Street to Highway

183; thence south along Highway 183 to Fikesferry Road; thence east along Fikesferry Road to ED line 156, thence east along ED line 156 to the Cahaba River; thence south along Cahaba River to southern Perry County boundary line which is the point of beginning.

Section 4. If the Federal District Court has not scheduled elections under another plan for the Perry County board of education and commission prior to the effective date of this act, a special election to elect members of the county commission and members of the board of education shall be held within 90 days after the effective date of this act or at the time set for election by order of the United States District Court in the case of Perry County Board of Education v. Perry County Commission, et al, Case #CU 86-0221-C. Otherwise, elections shall be held under this act at the primary and general elections in 1988.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 9, 1987 without approval by the Governor.

Act No. 87-341 H.J.R. 347—Rep. Campbell

HOUSE JOINT RESOLUTION

RECOGNIZING WITH COMMENDATION THE CENTENNIAL OBSERVANCE OF PARKER MEMORIAL BAPTIST CHURCH, ANNISTON, ALABAMA.

WHEREAS, the Alabama Legislature notes with highest commendation the Centennial Observance on July 3, 1987, of Parker Memorial Baptist Church, Anniston, Alabama; and

WHEREAS, founded July 3, 1887, with a charter membership of 45, the church was briefly known as Twelfth Street Baptist Church; upon completion, however, it was dedicated as Parker Memorial Baptist Church in honor of a great benefactor, Mr. Duncan T. Parker; and

WHEREAS, Parker Memorial Baptist Church called Dr. G. A. Nunnally as its first pastor and, presently, is under the leadership of Dr. Billy L. Harris, the church's 16th minister; and

WHEREAS, today, with more than 2,300 members and an average Sunday School attendance of almost 900, Parker Memorial is the largest and one of the most active churches in the northeast area of our State; and

WHEREAS, not only is Parker Memorial Baptist Church a landmark in Anniston and northeast Alabama, but also is a leader in its Christian outreach ministry and furtherance of the Gospel; and

WHEREAS, Parker Memorial, through the years, has sponsored many missionaries in all parts of the world, and a number of its sons and daughters have gone into full-time Christian Service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with commendation and praise the Centennial of Parker Memorial Baptist Church, Anniston, Alabama, which was built to the Glory of God and is dedicated to service in Christ.

BE IT FURTHER RESOLVED, That on July 3, 1987, a copy of this resolution shall be presented to Dr. Billy L. Harris, Pastor, on behalf of the entire membership of Parker Memorial Baptist Church.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-342 H.J.R. 345—Reps. Penry and McMillan

HOUSE JOINT RESOLUTION

COMMENDING ARTHUR A. HOLK OF FOLEY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT, AND FOR SERVICE TO THE CITY OF FOLEY, BALDWIN COUNTY AND THE STATE OF ALABAMA.

WHEREAS, Arthur A. Holk, a native and resident of Foley, Alabama, and a graduate of Auburn University, is a highly distinguished Alabamian who has rendered invaluable service to the community and state and is richly deserving of recognition for his many outstanding accomplishments; and

WHEREAS, Mr. Holk, president and member of the board of both the Baldwin Mutual and the Gulf Coast Title Insurance Companies, has been ranked as the top State Farm Agent in Alabama and among the top two percent of all State Farm Agents in the nation; and

WHEREAS, Arthur Holk has served the City of Foley as a Councilman since October 1952, and was elected Mayor of the City of Foley in 1976; he now is serving his third mayoral term and has further served eight years as Street Commissioner, eight years as City Treasurer and four years as Mayor Pro Tem; and

WHEREAS, Mr. Holk currently is on the boards of directors of Riviera Utilities, South Baldwin Chamber of Commerce, Colonial Bank-Gulf Coast Region and Mobile Land Records, and has served previously as a director and president of the Gulf Shores Golf Club, as a member of the Foley School Board, and he is a charter member, past president and former member of the board of directors of the Foley Rotary Club; and

WHEREAS, a Paul Harris Fellow of Rotary International and the 1980 Free Enterprise Person of the Year, Arthur Holk is a member of the Foley United Methodist Church and is an active Shriner and a past president of the Baldwin County Shrine Club; and

WHEREAS, in an extension of activities and involvement, Mr. Holk formerly served as president of the Baldwin County Auburn Alumni Association, as a member of the board of the National Association, as 1986 president of the Alabama League of Municipalities, and he is chairman of the State of Alabama Aeronautics Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Arthur A. Holk for extraordinary achievement and distinguished service to the City of Foley, to Baldwin County and to the State of Alabama, and do further provide that he receive a copy of this resolution of highest esteem.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-343 H. 709—Rep. Warren

AN ACT

Relating to Conecuh County; to authorize the Conecuh County Commission to impose excise taxes on persons, corporations, copartnerships, companies, agencies and

associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county not to exceed two (2) cents per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Conecuh County Commission to make reasonable rules and regulations for the collection of such taxes; to provide the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Conecuh County Commission for the collection of said taxes; and to provide for an advisory referendum relative to the levying of such taxes and the effectiveness.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act, the following terms shall have the respective meaning ascribed by this section:

(1) COUNTY. Conecuh County which has levied excise taxes pursuant to the provisions of this act.

(2) GASOLINE. Gasoline, naphtha and other liquid motor fuels or any device or substitute therefor commonly used in internal combustion engines; provided, that such term shall not be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil" when used for lighting, heating or industrial purposes.

(3) MOTOR FUEL. Diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in any county for use in the operation of any motor vehicle upon the highways of this state.

(4) PERSON. Persons, corporations, copartnerships, companies, agencies, associations, incorporated or otherwise, singular or plural.

(5) DISTRIBUTOR. Any person who engages in the selling of gasoline or motor fuel in this state by wholesale domestic trade, but shall not apply to any transaction of such distributor in interstate commerce.

(6) REFINER. Any person who manufactures, distills, blends, compounds or mixes any one or more products in the production of gasoline or motor fuel as herein defined.

(7) RETAIL DEALER. Any person herein defined as a distributor who is also engaged in the selling of gasoline or motor fuel in this state at any place in this state in broken quantities.

(8) STORER. Any person who ships or causes to be shipped or receives gasoline or motor fuel into this state in any quantities and stores the same in any manner and withdraws or uses the same for any purpose.

(9) USER. Any person who uses or consumes gasoline or motor fuel in this state in any manner or for any purpose; provided, that the term "user" is not to include any refiner who has a refinery or refineries located within the state of Alabama when using gasoline or motor fuel in the manufacturing or refining process, or any person who holds a federal permit to blend motor fuels under the federal law and statutes and who pays the federal excise tax on such motor fuels directly to the federal government, when such person uses gasoline in this state in such blending process.

Section 2. The Conecuh County Commission is hereby authorized to impose excise taxes on persons selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline and motor fuel within such counties not to exceed two (2) cents per gallon and to require every distributor, retail dealer or storer of gasoline or motor fuel as herein defined to pay such excise taxes upon the selling, distributing or withdrawing from storage for any use, gasoline and motor fuel as herein defined in such counties; provided that excise taxes levied pursuant to the provisions of this act shall not be levied upon the sale of gasoline or motor fuel in interstate commerce, and provided further that if the excise tax imposed under this act upon the sale of such gasoline or motor fuel shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the taxes shall not be paid but once. The excise taxes imposed pursuant to the provisions of this act shall apply to persons, firms, corporations, dealers or distributors storing gasoline or motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline or motor fuel and its substitutes paying the taxes herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such taxes on the basis of their withdrawals or distributions. The taxes herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline or motor fuel or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline or motor fuel as herein defined; however, the Conecuh County Commission shall have no authority to levy any tax upon any gasoline or motor fuel as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this act has become effective, every person upon whom the excise tax is levied shall render to the county commission of Conecuh County on forms prescribed by such county commission a true and correct statement of all sales and withdrawals of gasoline made by him or

them during the next preceding month, liable for payment of the excise tax imposed pursuant to the provisions of this act, and shall furnish to the Conecuh County Commission such additional information as the Conecuh County Commission may require upon blanks to be formulated and furnished by the Conecuh County Commission, and at the time of making such report shall pay to the Conecuh County Commission an amount of money equal to the excise tax levied under this act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline and motor fuel made in Conecuh County taxed under this act.

Section 5. Within thirty days after any tax shall have been levied under authority of this act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline or motor fuel in Conecuh County shall make a report on blanks furnished under Section 2 hereof to the Conecuh County Commission, showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline or motor fuel within Conecuh County, which information shall be entered by the Conecuh County Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the Conecuh County Commission of such removal giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the tax imposed under this act has become effective, no person shall become a distributor, storer or seller of gasoline or motor fuel in Conecuh County until he shall have made such reports to the Conecuh County Commission.

Section 6. If any distributor, storer or retail dealer of gasoline or motor fuel in Conecuh County shall fail to make the reports or any of them as required in any provision of this act or shall fail to comply with any regulation adopted for the collection of said tax by the Conecuh County Commission, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punished for each offense as otherwise provided by law.

Section 7. It shall be the duty of the county commission of Conecuh County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Conecuh County Commission, the state Department of Revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and hereby are directed to pay the same over to the department and such payment shall be a full and complete discharge of all liability therefor to said county. The department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The department is authorized to recover all costs of collecting such taxes, not to exceed 5% of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to said county.

Section 8. If any distributor, storer or retail dealer in gasoline or motor fuel shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this act, the tax shall be deemed delinquent within the meaning of this act and there shall be added to the amount of his tax a penalty of 25%, provided, if in the opinion of the county commission of Conecuh County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The Conecuh County Commission shall be authorized and empowered to make returns for delinquent taxpayers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this act. If any person shall be delinquent in the payment of any tax imposed pursuant to the provisions of this act, the county commission of Conecuh County shall issue execution for the collection of the same, directed to the Conecuh County sheriff, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector and make return of such execution to the Conecuh County Commission. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to Conecuh County by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in Conecuh County and elsewhere in this state of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this act shall not preclude the collection of the

amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of Conecuh County by the Attorney General of the State of Alabama, or by such counsel as the county commission of Conecuh County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline or motor fuel the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in Conecuh County shall report to the county commission of Conecuh County on the first day of January, April, July and October of each year all shipments of gasoline or motor fuel as defined in this act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in Conecuh County during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or motor fuel or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this act shall be paid into a special fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of construction, improvement and maintenance of public highways, roads and bridges including administrative expenses in connection therewith, the retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance, the matching of federal or state funds in the construction of improved roads and bridges in Conecuh County in the same manner as other county funds are used to match federal and state funds and for payment of the costs incurred in the administration and enforcement of this act.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. There shall be conducted an advisory referendum election held for the purpose of determining if the electors of such county favor authorizing the county commission to levy the taxes herein specified. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held 60 days after the effective date of

this act or as soon as possible thereafter. Notice of the election shall be given by the judge of probate of the county, which notice shall be published once in a newspaper of general circulation in said county before the day of the election. No further notice shall be required. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the Conecuh County Commission levying a two cents per gallon gasoline tax as provided in Act No. _____, approved _____, 1987? Yes _____ No _____"

If a majority of the voters participating in the election vote in favor of the imposition of such taxes, the county commission may thereupon adopt an ordinance, order or resolution levying the taxes provided for in this act. If, on the other hand, a majority of the voters participating in the election disapprove the levying of such taxes in the county, no levy of any tax shall be made in such county under this act. If the levy herein provided for becomes operative as herein provided, the county governing body shall forthwith give notice thereof to the Commissioner of Revenue immediately after the returns have been certified and the judge of probate shall certify the results of the election to the Secretary of State, to the Conecuh County Commission, and to the State Revenue Department immediately after the returns have been certified.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-344 H. 139—Reps. Adams and Flowers

AN ACT

To amend Section 36-21-2, Code of Alabama 1975, relating to the subsistence allowance for certain specified law enforcement officers, so as to extend the subsistence allowance provided therein to probation and parole officers of the Alabama board of pardons and paroles, fire marshals of the department of insurance, revenue enforcement officers of the department of revenue, and law enforcement officers of the state capitol police; and to make this act retroactive to January 21, 1987.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-21-2, Code of Alabama 1975, is hereby amended to read as follows:

"§36-21-2.

"(a) Any state law enforcement officer of the state of Alabama who is employed by the department of public safety, department of

industrial relations, department of conservation and natural resources, Alabama alcoholic beverage control board, department of agriculture and industries, Alabama department of forensic sciences, the transportation enforcement division of the Alabama public service commission, probation and parole officers of the Alabama board of pardons and paroles, fire marshals of the department of insurance, revenue enforcement officers of the department of revenue, law enforcement officers of the state capitol police or any investigator employed by a district attorney on a full-time basis, shall receive a subsistence allowance of $8.00 for each working day of a pay period while engaged in the performance of his duties as a law enforcement officer. This allowance shall be in addition to all other compensation, expenses and allowances provided for such officers.

"(b) This subsistence allowance shall not be subject to any income or other taxes levied by the state of Alabama or the federal government."

Section 2. This act shall become effective retroactive to January 21, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-345 H. 220—Rep. Buskey (JE)

AN ACT

To amend Section 11-54A-7, Code of Alabama 1975, relating to Downtown Redevelopment Authorities so as to remove the restriction that state, county or municipal officers and employees cannot serve on the board of directors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-54A-7, Code of Alabama 1975, is hereby amended to read as follows:

"§11-54A-7.

"Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization. The board shall consist of any number of directors, not less than three, who shall be elected by the governing body of the city for staggered terms as hereinafter provided. At the time of the election of the first board, the governing body of the city shall divide the directors into three groups containing as nearly equal whole numbers as may be possible. The governing body of the city shall specify for which term each director is elected. The initial

term of office of the first group shall be two years each. The initial terms of office of the second group shall be four years each. The initial term of office of the third group shall be six years. Thereafter, the term of office of each such director shall be six years. If at the expiration of any term of office of any director, a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the city. Each director must be a duly qualified elector of the city. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in section 175."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-346

H. 259—Reps. Johnson (RG), Beasley and Haynes

AN ACT

To amend Section 14-3-47 of the Code of Alabama 1975, to expressly allow the commissioner of corrections to train or employ state convicts in camps, posts or stations around the state and to adopt the regulations necessary as determined by the commissioner of corrections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14-3-47 of the Code of Alabama, 1975 is hereby amended to read as follows:

"Section 14-3-47. Employment-Authorized; regulations.

1. State inmates shall be employed at such labor, in such places and under such regulations within the state as may be determined by the department of corrections. The department of corrections is

expressly authorized to establish posts, camps or stations in conjunction with labor, discipline or rehabilitation programs. The department of corrections is authorized to direct inmates to work at any labor and at any site except as provided otherwise by law. The department of corrections is further authorized to direct inmates to participate in programs designed to improve their physical or mental or psychological well-being; or programs designed to instill discipline and a sense of responsibility in state inmates and the department of corrections is expressly authorized to establish posts, camps or stations to implement such programs.

2. The department of corrections is expressly authorized to adopt rules and regulations to expend funds, to enter contracts and to do any other activity reasonably necessary to establish, regulate and control the programs as outlined in part 1 above.

3. The department of corrections shall establish rules and regulations for the operation of these programs as outlined in part 1 above to ensure that all reasonable steps are taken to protect the public; and in no case shall an inmate convicted of capital murder; rape in the first degree; sodomy in the first degree be placed in a program as outlined in part 1 above.

4. Participation in the programs as outlined in part 1 above shall not create any legal cause of action or theory of recovery except as expressly provided for by the constitution of the United States or of Alabama; or by the statutes of the United States or of Alabama."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-347 H. 121—Reps. Williams and Flowers

AN ACT

Relating to Dale County; providing that the Dale County Commission or other governing body of Dale County shall be authorized to levy sales and use taxes generally

paralleling the state sales and use taxes with the same and additional exemptions and exclusions for the purpose of funding public education; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Dale County as a whole or that there may be excluded from any such levy any incorporated municipality in Dale County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to provide funds for the benefit of the public schools in Dale County, the Dale County Commission or other governing body of Dale County is hereby authorized to levy and to provide for the assessment and collection of any sales and use taxes generally paralleling the state sales and use taxes in Dale County or in any portion thereof as hereinafter provided, which tax or taxes shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in Dale County. Any such tax may be levied in Dale County as a whole or there may be excluded from the levy of any such tax, in the discretion of the said governing body, any sales or use which shall take place in any incorporated municipality in Dale County in which the general administration and supervision of public schools shall be vested in a city board of education. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of Dale County, or to a vote of the said electors in any portion of Dale County in which any such tax is proposed to be levied, and if such governing body submits the question to the said voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. Said referendum shall be an advisory referendum only. All the proceeds from any tax levied pursuant to this Act less the costs of collection thereof shall be used solely for public school purposes in Dale County, or in that portion of Dale County in which the said tax shall be levied and collected. Notwithstanding anything to the contrary herein, said governing body of Dale County shall not levy a tax hereunder measured by gross receipts, except a sales or use tax which generally parallels, except for the rate of tax, that imposed by the state under applicable law. If such tax shall be levied in Dale County as a whole or in any portion of Dale County having more than one school system, the proceeds of the said tax shall be apportioned among the said school systems in the same relative proportion as funds received by such school systems from the minimum program fund of the State of Alabama are so apportioned. If said tax shall be levied in any portion of Dale County in which there is but one school system, the proceeds of said tax shall be used only for the benefit of said one school system.

Section 2. There are exempted and excluded from the provisions of this Act the same exemptions and exclusions applicable to the state sales and use taxes in addition to the entire gross proceeds of the sale of automobiles and farm machinery and equipment.

Section 3. The proceeds from the taxes provided for herein shall be collected by the state department of revenue. Said proceeds, less any costs of collection, shall be deposited without delay into the state treasury to the credit of the county of Dale to be properly distributed by said county as provided for herein. The amount deducted from said proceeds by the department of revenue for the cost of collection shall be an amount equivalent to five percent (5%) of the revenue collected hereunder.

Section 4. The state department of revenue shall have the same authority to enforce the provisions of this Act that it has to enforce the provisions of the state sales and use tax laws.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-348 H. 563—Reps. Johnson (RG) and Haynes

AN ACT

To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, (Acts 1985, p. 795) whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 1994; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 1995; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 1994-95 for this additional judgeship position.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 85-546, S. 276, Regular Session 1985 (Acts 1985, p. 795), is amended to read as follows:

"Section 9. There is hereby created and shall be established the office of circuit judgeship No. 3 in the 29th Judicial Circuit, which

shall be in addition to the two circuit judgeships now existing. Provided, the additional circuit judgeship hereby created shall first be filled at the general election to be held in 1994, and the first judge so elected shall serve a full term of office beginning on the first Monday following the second Tuesday in January, 1995.

Section 10. The judge of said circuit judgeship No. 3 in the 29th Judicial Circuit shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other circuit judges may be subject to exercise and perform. The additional circuit judge provided for in this Act shall receive the same salary and supplements payable in the same manner as the existing circuit judges in the 29th Judicial Circuit."

Section 2. Section 11 of Act No. 85-546, S. 276, Regular Session 1985 (Acts 1985, p. 795), is amended to read as follows:

"Section 11. There is hereby appropriated from the state general fund to the Unified Judicial System for the fiscal year 1994-1995 such additional funding as may be required to fully fund the additional circuit judgeship in the 29th Judicial Circuit."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 2, 1987

Time: 3:50 P.M.

Act No. 87-349 H. 716—Reps. Williams and Flowers

AN ACT

Relating to the City of Ozark in Dale County, Alabama; authorizing the municipal governing body to levy additional ad valorem taxes for public school and educational purposes within the municipality, and calling for a referendum thereon by the qualified municipal electors.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the City of Ozark in Dale County may levy and collect an additional ad valorem tax at a rate

not exceeding seven mills per each $1.00 on the value of the taxable property within the city, the proceeds of which tax shall be used exclusively first for the retirement of the debt created pursuant to the construction and additions to Carroll High School, and thereafter for educational and school purposes as determined by the Ozark City Council; provided, however, the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the City of Ozark and voted for by a majority of those voting at such election. The additional taxes levied and imposed by this act shall become effective October 1, 1987, upon referendum approved by a majority of the qualified electors of the municipality, called by the municipal governing body at the next special, local or statewide referendum, as provided by law and the Constitution of 1901, as amended. Such proceeds shall be collected at the same time and in the same manner as existing ad valorem taxes are collected and shall be paid to the City of Ozark for distribution for the stated public educational purposes.

Section 2. The provisions of this act shall be cumulative to any and all other laws or parts of laws relating to ad valorem taxes and the City of Ozark, except to the extent there is a direct conflict herewith in which event those laws or parts of law are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, except as otherwise herein provided.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-350 H. 247—Rep. White (L)

AN ACT

To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1988, the sum of One Hundred Sixty-nine Thousand Five Hundred and Seventy-eight Dollars ($169,578), out of the funds in the Alabama Special Educational Trust Fund, to the

Lyman Ward Military Academy located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-351 H. 255—Rep. Reed

AN ACT

To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1988, the sum of One Million Four Hundred Sixty-three Thousand Two Hundred and Nineteen Dollars ($1,463,219), out of the funds in the Alabama Special Educational Trust Fund, to Tuskegee University located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-352 H. 261—Rep. Johnson (RG)

AN ACT

To make an appropriation for the support and maintenance of the Sylacauga Nurses Training School for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1988, the sum of Eighty-one Thousand Nine Hundred and Seventy-nine Dollars ($81,979), out of the funds in the Alabama Special Educational Trust Fund, to Sylacauga Nurses Training School located at Sylacauga, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-353 H. 266—Reps. Frazier and Hogan

AN ACT

To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1988, the sum of Four Hundred Thirty-six Thousand and Fifty-nine Dollars ($436,059), out of the funds in the Alabama Special Educational Trust Fund, to the Walker County Junior College located at Jasper, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-354 H. 268—Rep. Bryant

AN ACT

To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1988, the sum of Three Hundred Sixty-three Thousand Three Hundred and Eighty-two Dollars ($363,382), out of the funds in the Alabama Special Educational Trust Fund, to the Marion Military Institute located at Marion, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-355 H. 397—Reps. Haynes and Johnson (RG)

AN ACT

To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1988.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the fiscal year ending September 30, 1988, the sum of Three Hundred Thirty-nine Thousand One Hundred and Fifty-seven Dollars ($339,157), out of the funds in the Alabama Special Educational Trust Fund, to the Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

SECTION 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

SECTION 3. This Act shall become effective October 1, 1987.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-356 H.J.R. 315—Rep. Venable

HOUSE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE STEERING COMMITTEE ON REAPPORTIONMENT TO PREPARE FOR THE 1990 CENSUS.

WHEREAS, the Alabama Legislature is charged with reapportionment after each decennial census and the complexities are many and require incisive legal and demographic study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative steering committee on reapportionment to

consist of six members as follows: Three members of the Senate to be appointed by the Presiding Officer and three members of the House to be appointed by the Speaker. This committee shall make a continuous study of the reapportionment problems in Alabama and create a Task Force on Reapportionment from among knowledgeable state officials and employees, academic personnel and others involved in demographic studies and other census matters. It shall make such reports of its investigations, findings and recommendations to the legislature at any time, during any regular or special session of the legislature, as it may deem necessary or desirble. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committe meetings. Total expenditures shall not exceed $4,000 per year. Provided, however, the steering committee shall terminate upon creation of a Joint Interim Committee on Reapportionment by the Legislature.

Approved July 2, 1987

Time: 9:10 A.M.

Act No. 87-357 S.J.R. 151—Senator deGraffenried

SENATE JOINT RESOLUTION

MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the legislature adjourns today, Wednesday, June 24, 1987, they adjourn to meet again on Thursday, June 25, 1987, and when they adjourn on Thursday, June 25, 1987, they adjourn to meet again on Tuesday, July 7, 1987.

Approved July 2, 1987

Time: 9:30 A.M.

Act No. 87-358 S.J.R. 146—Senators Dixon, Cabaniss, Smith (J), Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard,

Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchum, Parsons, Preuitt, Rice, Sanders and Smith (B)

SENATE JOINT RESOLUTION

COMMENDING THOMAS J. BRASSELL, FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the distinguished career of Thomas J. Brassell in diligent service to the State of Alabama from December 1947 to April 1, 1987; and

WHEREAS, retiring as state comptroller for the past six years, Mr. Brassell's prior state service included four years with the Department of Finance as an accountant with the department's Insurance Fund Division and seventeen years as supervisor of the Finance Department's payroll and accounting division; and

WHEREAS, he served by appointment of former Governor Albert Brewer as assistant finance director from 1968 to 1971, and as head of the Consumer Protection Division of the Attorney General's office during the terms of former state Attorney General Bill Baxley; and

WHEREAS, Mr. Brassell then joined the Office of Court Administration and was appointed to his retirement position as state comptroller on April 1, 1981; and

WHEREAS, Tom Brassell is indeed a man of highest integrity and an inestimable public servant whose career was marked in accomplishment; he served long and well through leadership, guidance and example, and always in the best interests of our state and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation for his longtime service to the State of Alabama, we hereby commend Thomas J. Brassell of Montgomery, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved July 2, 1987

Time: 9:30 A.M.

Act No. 87-359 S.J.R. 147—Senators Bedford, Hand and Bailey

SENATE JOINT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO SUPPORT "THE OLDER AMERICANS ACT."

WHEREAS, the Older Americans Act was passed in 1965; and

WHEREAS, said Act supports commissions on aging and area agencies in behalf of the elderly; and

WHEREAS, the Older Americans Act establishes and provides meals for places that the elderly congregate, along with home-delivered meals for people 60 years old and older; it furnishes transportation, social services, and legal assistance; and provides for ombudsmen and funding for these services; further, the Act determines the area agencies as advocates; and

WHEREAS, said Act is before the United States Congress for reauthorization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly urge the United States Congress to reauthorize the Older Americans Act.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved July 2, 1987

Time: 9:30 A.M.

Act No. 87-360 S.J.R. 152—Senators Manley, deGraffenried and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING CHARLES W. GAMBLE FOR DISTINGUISHED SERVICE AS DEAN OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

WHEREAS, in a desire to recognize those of our citizens who have dedicated themselves to academic and professional excellence, the Alabama Legislature notes with highest commendation the service

of Charles W. Gamble in his tenure as Dean of the University of Alabama School of Law; and

WHEREAS, Charles W. Gamble is a graduate of Jacksonville State University, the University of Alabama School of Law and of Harvard Law School, and is a former associate of the law firm of Lybrand, Sides and Hamner of Anniston; and

WHEREAS, Charles W. Gamble has served his profession and the field of legal education as a Professor of Law at the Cumberland School of Law of Samford University, the University of Alabama School of Law, and as a lecturer for a number of Alabama legal associations including the Alabama Bar Association; and

WHEREAS, the legal profession has further been greatly enriched by his authorship of such scholarly publications as Alabama Law of Damages and McElroy's Alabama Evidence, among others; and

WHEREAS, Charles W. Gamble has served his alma mater as Dean of the School of Law from 1982 to 1987 and, through his leadership and instrumental efforts, the school has increased its endowment from less than two million to more than seven million dollars; other significant accomplishments of his tenure include the development of three academic chairs for legal scholarship, the award of four professorships of law to the faculty and an increase in faculty by three full-time professors, in addition to a marked growth in available student scholarship funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and leadership as Dean of the University of Alabama School of Law, and in grateful acknowledgment of the honor he has brought to the University and to the State of Alabama, we hereby commend Charles W. Gamble, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved July 2, 1987

Time: 9:30 A.M.

Act No. 87-361 S. 365—Senator Covington

AN ACT

To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975 are hereby amended to read as follows:

"§36-20-3. Notaries public must give bond with sureties, to be approved by the judge of probate of the county for which they are appointed, in the sum of $10,000.00, payable to the state of Alabama and conditioned to faithfully discharge the duties of such office so long as they may continue therein or discharge any of the duties thereof. Such bond must be executed, approved, filed and recorded in the office of the judge of probate before they enter on the duties of such office.

"§36-20-31. Notaries public appointed under this article must give bond with sureties to be approved by the judge of probate of the county of their residence in the sum of $10,000.00, payable to the state of Alabama and conditioned to faithfully discharge the duties of such office so long as they may continue therein or discharge any of the duties thereof. Such bond must be executed, approved, filed and recorded in the office of the judge of probate of the county of their residence before they enter on the duties of such office. Such notaries public for the state at large, in the event of any breach of the conditions of their official bonds, may be sued in the county of their residence or in the county in which the breach was committed or in the county where the party or parties who suffered damages from the breach reside."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 9, 1987 without approval by the Governor.

Act No. 87-362 S. 321—Senator Holmes

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the county governing body and the governing body of any municipality in Calhoun County to appropriate public funds to any non-profit charity and to provide that the provisions of this amendment shall be self-executing.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of

the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The county governing body and the governing body of any municipality in Calhoun County are hereby authorized to appropriate the sum of $35,000.00 (thirty-five thousand dollars) from public funds on a one time basis only to the East Alabama United Cerebral Palsy Center for the cost of its complex at the Jaycee Park.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Calhoun County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 18, 1987

Passed the House July 8, 1987

Act No. 87-363 S. 597—Senator Bailey

AN ACT

To propose an Amendment to the Constitution of Alabama of 1901 levying a one (1) mill property tax on real property located in Houston County, excluding property located in the City of Dothan; subject to a petition for subsequent elections if submitted every four years by ten percent of the registered voters; and to provide that the net

proceeds of such tax, if approved, shall be used only for fire fighting and fire prevention purposes in Houston County outside the city limits of Dothan.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

There is hereby levied in Houston County, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of one mill, except the City of Dothan. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Houston County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid to the Houston County Commission and used for fire fighting and fire protection purposes. If a majority of the qualified electors of said county, except the City of Dothan, participating in the election on the ratification of this amendment shall vote for the ratification of this amendment, then the approval of this amendment as expressed by the vote in said county in favor of its ratification shall, of itself, authorize the levy and collection of the tax for fire protection purposes in said county for four years, commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1988.

Each four years thereafter, if a petition is submitted by ten percent of the registered voters residing in said tax area calling for an election as to whether the said tax shall continue to be levied, the judge of probate shall call an election and the question presented to the electors shall be as follows:

"Do you favor continuation of a tax for fire protection and prevention on property located in Houston County, excluding the City of Dothan? Yes _____ No _____." If a majority of the electors vote "Yes" at the election, the provisions hereof shall remain effective. If a majority of the electors vote "No" at the election, the provisions of this amendment shall become inoperative, null and void.

The provisions of this amendment shall be self-executing. Provided, however, the legislature may enact local legislation to supplement this amendment so long as the local legislation is not in conflict with this amendment.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Houston County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate June 25, 1987

Passed the House July 8, 1987

Act No. 87-364 H.J.R. 378—Reps. Starkey, Goodwin, Hamilton and Coburn

HOUSE JOINT RESOLUTION

COMMENDING MARS HILL BIBLE SCHOOL FOR NOTEWORTHY ACHIEVEMENT.

WHEREAS, Mars Hill Bible School in Florence, Alabama, has effectively served its students, its constituency, and the greater Shoals area for 40 years; and

WHEREAS, Mars Hill students and faculty members have brought national recognition to the State of Alabama through the school's academic and extracurricular programs; and

WHEREAS, Mars Hill students have consistently achieved superior marks on national, standardized tests; and

WHEREAS, Mars Hill Bible School, its students, parents, faculty, and administrators have been awarded the "Excellence in Education" Award for exemplary achievement by the President's Secondary School Recognition Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Mars Hill Bible School and its constituencies for their noteworthy achievement, and do further direct that a copy of this resolution of highest regard be provided for presentation to Mr. Lawrence Williams, Principal, for the purpose of appropriate display at Mars Hill Bible School.

Approved July 10, 1987

Time: 11:55 A.M.

Act No. 87-365 H.J.R. 379—Rep. Rogers

HOUSE JOINT RESOLUTION

CONGRATULATING MS. KATIE B. BRYANT OF ADAMSVILLE, ALABAMA, ON HER 75TH BIRTHDAY.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the 75th birthday, April 12, 1987, of Ms. Katie B. Bryant of Adamsville, Alabama; and

WHEREAS, Ms. Bryant, who was born April 12, 1912, is indeed a prominent and much beloved member of her community, and the celebration of her 75th birthday was a joyful occasion shared by all her family, her neighbors and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in noting this very special date, April 12, 1987, we extend heartiest congratulations to Ms. Katie B. Bryant of Adamsville, Alabama, whom we hold in warmest personal regard.

BE IT FURTHER RESOLVED, That Ms. Bryant receive a copy of this resolution that she may know of our sincere best wishes that she continue to enjoy good health and happiness for many years to come.

Approved July 10, 1987

Time: 11:56 A.M.

Act No. 87-366 H.J.R. 380—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING MARY ALICE MITCHELL ON HER RETIREMENT FROM THE ALABAMA DEPARTMENT OF YOUTH SERVICES, CHALKVILLE, ALABAMA.

WHEREAS, Mary Alice Mitchell has completed a distinguished fourteen years with the Alabama Department of Youth Services; and

WHEREAS, she merited the highest commendation in receiving the Child's Best Friend Award for her compassionate and dedicated endeavors to human dignity; and

WHEREAS, Mary Alice Mitchell pioneered the inception of D.Y.S. and helped formulate the present Department of Youth Services system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mary Alice Mitchell a distinguished employee with the Alabama Department of Youth Services.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mary Alice Mitchell which we tender in deep admiration and warmest personal regard.

Approved July 10, 1987

Time: 11:57 A.M.

Act No. 87-367 H.J.R. 381—Rep. Rogers

HOUSE JOINT RESOLUTION

NOTING, WITH COMMENDATION, THE BIRMINGHAM SOUTHSIDE REUNION.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the second annual reunion, August 12th, of former residents of the Birmingham Southside area; and

WHEREAS, in order that the University of Alabama in Birmingham might expand and continue to grow, both in size and prestige, it became necessary for a number of families to relocate to other areas, thereby leaving their homes, their neighborhood and many of their friends; and

WHEREAS, an annual reunion was therefore organized to commemorate the occasion and for the purpose of perpetuating the bonds of friendship that had developed through the years; and

WHEREAS, the second annual Southside Reunion is indeed an event to be noted with praise, and the many Southside residents are to be congratulated for establishing such a unique method of building on ties of the past to promote friendships for life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the participants of Birmingham's second annual Southside Reunion, whom we highly regard and for whom a copy of this resolution shall be provided.

Approved July 10, 1987

Time: 11:58 A.M.

Act No. 87-368 H.J.R. 386—Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING THE ROBERT AND EDNA PITTS FAMILY.

WHEREAS, Robert and Edna Pitts were life-long residents of Montgomery County, Alabama, and reared eight children: Beatrice, Charlie, Dorothy, Robert, Helen, June, Jesse and Wilbur; and

WHEREAS, this devout Christian family contributed immeasurably to the well-being of the greater Montgomery community by their unselfish contributions of their time and resources through membership in the Mt. Zion AMEZ Church; and

WHEREAS, their legacy to the greatness of the family unit lives on through their children and grandchildren through the fine example which they lived daily; and

WHEREAS, it is the desire of the Legislature of the State of Alabama to recognize the immense contributions of the Robert and Edna Pitts Family to the growth and stability of the family as a unit in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby extend to the Robert and Edna Pitts Family an accolade of appreciation as the family celebrates its first family reunion in Huntsville, Alabama, on July 25, 1987.

Approved July 10, 1987

Time: 11:59 A.M.

Act No. 87-369 H.J.R. 387—Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING THE AARON AND MAMIE FRANKLIN FAMILY.

WHEREAS, Aaron and Mamie Franklin were life-long residents of Montgomery, Alabama, and were blessed with three children: Aaron, Jr., Ruth and Robert, who were lovingly and unselfishly reared by their grandmother, Adeline Franklin, after the untimely death of their mother; and

WHEREAS, Aaron and Mamie expressed their devotion to God and family through membership in the Old Ship AME Church where their children still attend; and

WHEREAS, Mrs. Javis Franklin Wilson, a descendant of the Franklin Family, is currently employed by the House of Representatives of the State of Alabama as receptionist where she renders invaluable service to all who pass her way; and

WHEREAS, Robert Franklin, Jr., and his wife, Toni, are residents of Huntsville and coordinators of the first Franklin Family reunion; and

WHEREAS, the Legislature is desirous of honoring the broad circle of service by the Franklin Family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend warmest wishes to the Franklin family for continued success as they celebrate their first family reunion in Huntsville on July 25, 1987.

Approved July 10, 1987

Time: 12:00 Noon

Act No. 87-370 H.J.R. 389—Rep. Petelos

HOUSE JOINT RESOLUTION

COMMENDING JEFFERY MCDANIEL LEONARD OF PLEASANT GROVE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in highest commendation, the Legislature of Alabama congratulates Jeffery McDaniel Leonard of Pleasant Grove, Alabama, who recently attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance to fullfill the stringent criteria for Eagle Scout status; and

WHEREAS, Jeffery McDaniel Leonard of Troop 120, Pleasant Grove, has indeed exemplified through his years of participation in scouting those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty, and concern for his fellowman; and

WHEREAS, Jeffery McDaniel Leonard, who is the 18-year-old son of Mr. and Mrs. James V. Leonard, also is an excellent student and is to be further praised for outstanding academic achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Eagle Scout Jeffery McDaniel Leonard of Pleasant Grove, Alabama, and direct that he receive a copy of this resolution that he may know of our congratulations and sincere best wishes for every future success in life.

Approved July 10, 1987

Time: 12:01 P.M.

Act No. 87-371 H.J.R. 406—Rep. Carothers

HOUSE JOINT RESOLUTION

RECOGNIZING WITH COMMENDATION THE CENTENNIAL OBSERVANCE OF FIRST BAPTIST CHURCH, DOTHAN, ALABAMA.

WHEREAS, the Alabama Legislature notes with highest commendation the Centennial Observance, in 1987, of the First Baptist Church, Dothan, Alabama; and

WHEREAS, founded in 1887, with a charter membership of nine, First Baptist Church called The Reverend J. C. Skipper as its first pastor and, presently, is under the leadership of Dr. Robert T. Baggott, Jr., the church's 21st minister; and

WHEREAS, today, with more than 4,000 members, Dothan's First Baptist Church is the largest and one of the most active churches in the southeast area of our state; and

WHEREAS, not only is First Baptist Church a landmark in Dothan and Southeast Alabama, but also is a leader in its Christian outreach ministry and furtherance of the Gospel; and

WHEREAS, First Baptist, which has sponsored six mission churches, currently sponsors several missionaries in all parts of the

world, and is regularly recognized among the top ten churches in mission gifts of all churches of the Alabama State Convention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with commendation and praise the Centennial of First Baptist Church, Dothan, Alabama, which was built to the Glory of God and is dedicated in service to Christ.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Robert T. Baggott, Jr., Pastor, on behalf of the entire membership of First Baptist Church, Dothan, Alabama.

Approved July 10, 1987

Time: 12:02 P.M.

Act No. 87-372 H.J.R. 407—Reps. Mikell, Hooper and McKee

HOUSE JOINT RESOLUTION

COMMENDING SHEAREN ELEBASH OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Shearen Elebash of Montgomery, Alabama, is a native son in whom we are justly proud, and to whom we are grateful for the honor and prestige he has brought to our state through achievement and acclaim as an outstanding speaker and humorist of national renown; and

WHEREAS, Mr. Elebash, who was educated at the Choate School in Wallingford, Connecticut, is an alumnus of Yale University where he majored in International Studies, served on the Board of the Yale Daily News, was president of the Glee Club and a member of the famed Whippenpoofs; and

WHEREAS, a veteran of World War II, Mr. Elebash received both the Air Medal and the Distinguished Flying Cross for valorous service as a combat pilot in Europe and the Far East; he also has been active in the business world as a chain store executive and in insurance management, and he is a former candidate for Governor of the State of Alabama; and

WHEREAS, Shearen Elebash, however, and for a number of years, has traveled extensively throughout the United States on the entertainment circuit; as one of the most sought after speaker-performers in the country, he has appeared on stage, television and

in concert halls, delighting his audiences with a brilliant combination of musical artistry, liberally laced with a rare and uncommon wit and his magnetic stage personality; and

WHEREAS, further, those mesmerized by Shearen Elebash's outstanding performances run the gamut from presidents, ambassadors and civic leaders to the "folks next door"; as an entertainer, he has "walked with kings yet kept the common touch" and his professional triumphs are a source of great pride to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions in the entertainment world, we hereby commend Shearen Elebash of Montgomery, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved July 10, 1987

Time: 12:03 P.M.

Act No. 87-373 H.J.R. 340—Reps. Campbell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry,

Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THOMAS J. BRASSELL FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the distinguished career of Thomas J. Brassell in diligent service to the State of Alabama from December 1947 to April 1, 1987; and

WHEREAS, retiring as state comptroller for the past six years, Mr. Brassell's prior state service included four years with the Department of Finance as an accountant with the department's Insurance Fund Division and seventeen years as supervisor of the Finance Department's payroll and accounting division; and

WHEREAS, he served by appointment of former Governor Albert Brewer as assistant finance director from 1968 to 1971, and as head of the Consumer Protection Division of the Attorney General's office during the terms of former state Attorney General Bill Baxley; and

WHEREAS, Mr. Brassell then joined the Office of Court Administration and was appointed to his retirement position as state comptroller on April 1, 1981; and

WHEREAS, Tom Brassell is indeed a man of highest integrity and an estimable public servant whose career was marked in accomplishment; he served long and well through leadership, guidance and example, and always in the best interests of our state and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciaton for his longtime service to the State of Alabama, we hereby commend Thomas J. Brassell of Montgomery, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

Approved July 10, 1987

Time: 12:04 P.M.

Act No. 87-374 H.J.R. 352—Reps. Kvalheim, Marietta and Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT RADCLIFF LYONS OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of Robert Radcliff Lyons of Mobile, Alabama, on June 4, 1987, at the age of just 14 years; and

WHEREAS, the son of Mr. and Mrs. William Hunter Lyons and a student at Mobile's UMS Preparatory School, Robert Radcliff Lyons died as the result of a tragic boating accident, and it was thus that his promising young life was lamentably shortened; and

WHEREAS, Robert Radcliff Lyons also is survived by his brother and sister, William Hunter Lyons, Jr., and Lucy Radcliff Lyons; his grandparents, Mr. and Mrs. Robert Herndon Radcliff, Jr., and Mr. and Mrs. Mark Lyons, Jr.; and by other family members, all of whom are sorely bereft in grief, as are his many friends and all those whose lives he filled with boundless happiness and joy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we grievously mourn his death, we give thanks for the life of Robert Radcliff Lyons of Mobile, Alabama, and do further extend deepest and heartfelt sympathy to all his family, whose great sorrow we share and for whom copies of this resolution of sincere condolence shall be provided.

Approved July 10, 1987

Time: 12:05 P.M.

Act No. 87-375 H.J.R. 355—Rep. Richardson

HOUSE JOINT RESOLUTION

NAMING A PORTION OF JACKSON COUNTY ROAD 58 AND COUNTY ROAD 60 IN ITS ENTIRETY, THE "WILLIAM DAVID STARKEY ROAD."

WHEREAS, it is the desire of the Alabama Legislature to forever sustain the memory of William David Starkey of Jackson County,

Alabama, the beloved son of Bethel D. and Winnell Starkey, who died November 25, 1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in memory of the late William David Starkey, we hereby name and designate that portion of County Road 58 in Jackson County, Alabama, from State Highway 71 to its point of juncture with County Road 60, and then County Road 60 in its entirety back to Highway 71, the "William David Starkey Road."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said road, and that copies of this resolution shall be forwarded to the Jackson County Commission and to the family of the late William David Starkey.

Approved July 10, 1987

Time: 12:06 P.M.

Act No. 87-376 H.J.R. 356—Rep. Crow

HOUSE JOINT RESOLUTION

COMMENDING EDWARD RAY CLARK FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, it is with sincere praise and regard that the Alabama Legislature notes the distinguished service of Edward Ray Clark to the State of Alabama; and

WHEREAS, Mr. Clark, an Anniston native, received the B.A. degree from Jacksonville State University and the M.A. degree from Duke University; and

WHEREAS, a veteran of the U.S. Military, Mr. Clark, in great patriotism, honorably served his country in the U.S. Navy from 1964-1968, including a tour of duty in Vietnam from 1967-1968; and

WHEREAS, Mr. Clark held the position of Environmentalist, State of Alabama Department of Public Health, Anniston, Alabama, for the years 1977-1979 and, during this tenure, greatly upgraded the influence of this position upon the community; and

WHEREAS, Mr. Clark held the position of Chief, Environmental Management, U.S. Army Chemical and Military Police Schools, Fort McClellan, Alabama, and, for the years 1979-1986, greatly contributed to the achievements of that office; and

WHEREAS, during his tenure at Fort McClellan, Mr. Clark was awarded the Secretary of the Army Environmental Quality Award, the Secretary of Defense Environmental Quality Award, the Governor of Alabama Environmental Quality Award, and the Alabama Environmental Quality Association Milestone Achievement Award; and

WHEREAS, Mr. Clark joined the U.S. office of the Assistant Secretary of the Army as Environmental Protection Specialist in September 1986 and is serving currently in that position; and

WHEREAS, Mr. Clark has indeed provided outstanding leadership, marked with distinguished accomplishments, on behalf of the State of Alabama, and to the benefit of the many citizens of this great state and of this great nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to environmental protection in the State of Alabama, we hereby commend Edward Ray Clark, a distinguished citizen of this state whom we hold in highest regard.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Assistant Secretary of Defense for presentation to Edward Ray Clark.

Approved July 10, 1987

Time: 12:07 P.M.

Act No. 87-377 H.J.R. 360—Reps. Layson and Turnham

HOUSE JOINT RESOLUTION

DIRECTING THE DIRECTOR OF ALABAMA BUREAU OF TRAVEL AND TOURISM TO ERECT A SIGN DESIGNATING THE GRAVESITE OF JAMES MCCRORY, BODY GUARD OF GENERAL GEORGE WASHINGTON.

WHEREAS, James McCrory, who served as lifeguard to General George Washington at Valley Forge, participated in the battles of Germantown, Brandywine, and Guliford Court House, and was a patriot in the American Revolution who chose Pickens County, Alabama to be his home; and

WHEREAS, James McCrory died in Pickens County, Alabama in 1840 at the age of 82 years, 6 months and 9 days, and the Pickens County D.A.R. honored this patriot and such sign has deteriorated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the Director of Alabama Bureau of Travel and Tourism to cause an appropriate sign to be constructed and erected, containing the same date as the original marker, to wit:

"Old Bethany Cemetery, Gravesite of James McCrory (1758-1840), Life Guard of George Washington at Valley Forge, 0.4 miles, Pickens County Chapter, D.A.R."

BE IT FURTHER RESOLVED, That the director shall cause the construction and erection of said sign be made pursuant to Section 23-1-7, Code of Alabama 1975, as amended, along Alabama Highway 14 West in Pickens County in the location as the original marker.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the Director of Alabama Bureau of Travel and Tourism.

Approved July 9, 1987

Time: 3:45 P.M.

Act No. 87-378 H.J.R. 361—Rep. Warren

HOUSE JOINT RESOLUTION

COMMENDING JACQUELINE WATSON OF BEATRICE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Jacqueline Watson of Beatrice, Alabama, and a graduate of Tuskegee University, has been recognized as an exceptional female college graduate for 1987; and

WHEREAS, this prestigious distinction was based on a nationwide search undertaken by Good Housekeeping Magazine and conducted by The Washington Center, the nation's largest independent student internship institution, and final selections were made by a panel of nationally respected educators; and

WHEREAS, Jacqueline Watson is one of only 100 women graduates to be so highly honored and this elite group was chosen from among more than 3,000 candidates, nationwide, nominated by the presidents of their respective colleges as exemplars of intelligence, leadership, service and personal integrity; and

WHEREAS, a graduate of J. F. Shields High School and first runner-up to Miss Black America (1986), Miss Watson was elected Miss Tuskegee University for 1986-1987; she further is listed in the

1985 edition of Who's Who Among American Students and was named to the 1985 National Dean's List; and

WHEREAS, Jacqueline Watson also was Academic All-American in 1986 and ranked third in Tuskegee University's Class of 1987; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic achievement and personal accomplishment, we hereby commend Jacqueline Watson of Beatrice, Alabama, and do further direct that she receive a copy of this resolution of sincere and highest regard.

Approved July 10, 1987

Time: 12:08 P.M.

Act No. 87-379

H.J.R. 363—Reps. Seibels, Drake, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne,

Penry, Perdue, Petelos,
Poole, Rains, Reed,
Richardson, Rogers,
Slaughter, Spratt, Starkey,
Thomas, Turner, Turnham,
Venable, Walker, Warren,
White (F), White (G),
White (L), Williams, Willis,
Wright and Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE VOLUNTEER SUPPORTERS OF THE 1987 CHILDREN'S MIRACLE NETWORK TELETHON.

WHEREAS, it is with highest commendation and grateful hearts that the Alabama Legislature notes the resounding success of the 1987 Children's Miracle Network Telethon, aired nationwide and telecast by Alabama's host station, WVTM-TV, Birmingham, and other TV stations throughout Alabama; and

WHEREAS, in addition to the voluntary participation of WVTM and other stations, there were more than 350 volunteers who manned telephones, tallied pledges and carried out other assignments in Birmingham; Jefferson County Sheriff's Reserve Officers assisted with security at The Children's Hospital of Alabama, one of the first hospitals to join the network, and hundreds of civic club members staffed statewide telephone banks; and

WHEREAS, Alabama's other news media, through coverage and promotion of the Telethon, greatly contributed to the success of this commendable charitable endeavor, as did celebrities such as Bob Hope and "Alabama," whose efforts on behalf of Alabama's local telecasts gave Children's Hospital and the City of Birmingham special recognition on the national Telethon that also was seen in Canada, Australia, Puerto Rico and Jamaica; and

WHEREAS, many long hours of preparation, planning and coordination of activities were necessary for the achievement of the 1987 Telethon and related events and it is much to the credit of the administrators, trustees and staff of The Children's Hospital of Alabama, who gave so generously of their time and effort, that this year's fund raising event was such an outstanding success; and

WHEREAS, we further take great pride in the generosity of our fellow Alabamians whose donations totaled more than $427 thousand, representing an increase of nearly 110 percent for the greater Birmingham area and more than 135 percent from other areas of the state compared with pledges for 1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the many hundreds of Alabama volunteer participants in the 1987 Children's Miracle Network Telethon, the thousands throughout our state who gave so generously and from their hearts, and the dedicated employees of The Children's Hospital of Alabama.

Approved July 10, 1987

Time: 12:09 P.M.

Act No. 87-380 H.J.R. 364—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING OSALENE HOLMBERG ON HER DISTINGUISHED CAREER IN PUBLIC EDUCATION AND FOR SERVICE TO ALABAMA SCHOOLS AS TEACHER AND PRINCIPAL FOR FORTY YEARS.

WHEREAS, it is with highest commendation and esteem that the Alabama Legislature notes the distinguished educational career of Osalene Holmberg (Mrs. Hilding, Jr.), which spanned the years 1939 to 1987; and

WHEREAS, retiring at the close of the 1986-1987 school year, Mrs. Holmberg served for the past 23 years as principal of Highlands Elementary School in Huntsville; and

WHEREAS, Mrs. Holmberg began her career as a teacher in Tennessee from 1939 until 1945; she then taught first grade at West Huntsville Elementary School for a 10-year period, leaving that position to teach at Blossomwood School until 1964, at which time she became principal of West Highlands School; and

WHEREAS, in addition to her career responsibilities, Mrs. Holmberg also was active in such professional organizations as Alabama Council of School Administrators and Supervisors, Parent Teacher Association, the Huntsville and National Education Associations, and she is involved in a number of community affairs including the Huntsville Museum of Art, the Huntsville Historic Foundation and the First United Methodist Church of Huntsville; and

WHEREAS, Mrs. Holmberg holds the Bachelor's degree from Middle Tennessee State University, the Master's degree from Peabody College, and she is a member of Phi Delta Kappa and Delta Kappa Gamma honoraries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Osalene Holmberg as one of our state's most prominent and dedicated educators, and direct that she receive a copy of this resolution that she may know of our deep appreciation for her outstanding service to the youth and schools in the State of Alabama.

Approved July 10, 1987

Time: 12:10 P.M.

Act No. 87-381

H.J.R. 375—Reps. Payne, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker,

Warren, White (F),
White (G), White (L),
Williams, Willis, Wright and
Zoghby

HOUSE JOINT RESOLUTION

COMMENDING DR. MARIE LOUISE O'KOREN FOR DISTINGUISHED SERVICE AND CONTRIBUTIONS TO THE UNIVERSITY OF ALABAMA SCHOOL OF NURSING.

WHEREAS, upon retirement from the University of Alabama at Birmingham, Dr. Marie Louise O'Koren will have served the University of Alabama School of Nursing for almost thirty years, and it is with deep gratitude that the Alabama Legislature acknowledges Dr. O'Koren's distinguished tenure and the accomplishments of her service on behalf of the State of Alabama and all citizens thereof; and

WHEREAS, Dr. O'Koren, who is a native of Minnesota and a graduate of the University of Minnesota's School of Nursing, also holds the B.S.N. degree from the Department of Nursing, Long Beach State College, and both the M.S.N. and Ed.D degrees from the University of Alabama; and

WHEREAS, after completing her doctoral studies as a Bixler scholar in 1969, Dr. O'Koren was named Associate Dean of the University's School of Nursing in Birmingham, and it was in this capacity that she greatly contributed to the development of a school that now enjoys an international reputation for its excellence of programs and faculty; and

WHEREAS, Dr. O'Koren was then appointed Dean of the School of Nursing in 1970 and has since provided exemplary leadership in the growth of the school in such areas as extramural funding, program expansion and faculty development; she further was instrumental in the establishment of the school's doctoral program for nursing, the first in the State of Alabama; and

WHEREAS, Dean O'Koren, however, in addition to effective leadership, has brought great honor and recognition to the University through her involvement in a number of national professional groups and service on prestigious committees of the National Division of Nursing, The American Hospital Association Council on Nursing and the National Advisory Council on Nurse Training; and

WHEREAS, as the author of many professional publications and through consultative activities on the state, regional and national levels, Dr. O'Koren has further increased the prestige of the University's School of Nursing; she also is the recipient of numerous

honors and distinctions including membership as a Fellow of the American Academy of Nursing, the Outstanding Achievement Award by the University of Minnesota Board of Trustees, and the Exemplary Service Award bestowed by the Alabama Association of College Administrators; and

WHEREAS, Dr. Marie O'Koren is indeed an exemplar of professional achievement, and is a warm and caring person who has further distinguished herself through involvement in the civic and charitable affairs of her community and in service to her fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and contributions to the University of Alabama School of Nursing, and in gratitude for her many years of dedicated devotion to the school and the nursing profession, we hereby commend Dr. Marie L. O'Koren, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved July 10, 1987

Time: 12:11 P.M.

Act No. 87-382 H.J.R. 376—Reps. Hettinger, Brooks, Grayson, Butler, Hall and Freeman

HOUSE JOINT RESOLUTION

COMMENDING THE 1169th ENGINEER GROUP, ALABAMA ARMY NATIONAL GUARD.

WHEREAS, the Legislature of Alabama notes with commendation and in great pride the instrumental role of the Alabama Army National Guard's 1169th Engineer Group in "Blazing Trails," a humanitarian exercise approved by the Joint Chiefs of Staff, the State Department and the U. S. Embassy in Ecuador, and initiated in response to a request by the president of Ecuador for assistance in repairing the severe damage to that country's roads and bridges caused by a devastating earthquake; and

WHEREAS, Blazing Trails, which began in April and will continue through September, is sponsored by the U. S. Southern Command in Panama and involves elements of the Ecuadoran Armed Forces and the U. S. Active Military, the National Guard and Reserves; and

WHEREAS, Alabama's 1169th Engineer Group in Huntsville is serving as the Task Force headquarters and also is providing troops

to the exercise, along with three Alabama engineer battalions and other Alabama Army Guard units, to a lesser degree; a total of 2,815 Guard personnel will have participated in the exercise during its six-month duration, joining other U. S. Military personnel and rotating to the theater in 14-17 day increments; and

WHEREAS, we are indeed proud of the 1169th Engineer Group's participation in our nation's humanitarian assistance to the Ecuadoran people, and we are highly honored that the group is serving as representatives of both the United States and Alabama, and in such instrumentality as their Task Force headquarters role in Blazing Trails 87; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the 1169th Engineer Group, Alabama Army National Guard, and do further direct that a copy of this resolution be forwarded to Colonel Frank Sefton, Commander.

Approved July 10, 1987

Time: 12:12 P.M.

Act No. 87-383 H.J.R. 377—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING CLAY COUNTY ON THE EFFECTIVE USE OF VOLUNTEERS AND DESIGNATING SAID COUNTY AS THE "VOLUNTEER COUNTY OF ALABAMA."

WHEREAS, the Legislature of Alabama notes with pride the extensive and highly professional use of volunteers in Clay County; and

WHEREAS, Clay County, organized December 6, 1866, is one of our younger counties and, with a population of 13,600 in 1980, is one of our lower populated counties, and is a county with limited financial resources; and

WHEREAS, said Clay County has shown remarkable initiative in the organization and execution of volunteer services; and

WHEREAS, such organizations include: (1) The Clay County Rescue Squad, furnishing free ambulance service to all constituents and assisting in any county emergency situation; (2) Volunteer Fire Departments, for a total of seventeen fire stations, each with a fire chief and manned by local volunteers; (3) The Sheriff's Reserve,

consisting of about 32 trained, uniformed members assisting the Sheriff's Department at community affairs, transporting juveniles, and generally providing better law enforcement coverage on a countywide basis; (4) The Pink Ladies, Clay County Hospital, consisting of 30 members who provide patient services, i.e., deliver juices, magazines, flowers, mail and assist with patient discharge; (5) The Clay-Carey Thrift Store in Lineville, with a volunteer staff, providing a place for Clay County citizens to donate good usable clothing, furniture, etc., and a place for the needy to purchase inexpensive items; and (6) Clay County Civil Air Patrol, consisting of 30 members stationed at the Lineville-Ashland Airport; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of such effective use of volunteers, we do hereby name and designate Clay County, Alabama, as the "Volunteer County of Alabama."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers designating said county as "The Volunteer County of Alabama."

Approved July 10, 1987

Time: 12:13 P.M.

Act No. 87-384 H.J.R. 411—Reps. Hettinger, Hall, Freeman, Brooks, Butler and Grayson

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF NANCY LANGHORNE LACY OF HUNTSVILLE.

WHEREAS, in sentiment of deep sadness and regret, the Legislature of Alabama records the untimely death of Nancy Langhorne Lacy of Huntsville, Alabama, on July 4, 1987, at the age of just 54 years; and

WHEREAS, the daughter of the late Mr. and Mrs. John "Jack" M. Langhorne and a lifelong resident of Madison County, Mrs. Lacy served as bookkeeper for the Episcopal Church of the Nativity until 1973; she then became Director of Christian Education, the position she held at the time of her death; and

WHEREAS, Mrs. Lacy, who was a member of the Church of the Nativity and of the Church Needlepoint Guild, also was a member of the Junior League of Huntsville and Twickenham Historical Preservation District Association; and

WHEREAS, an alumna of both Vanderbilt University and the University of Alabama, Mrs. Lacy was attending the University of Alabama in Huntsville where she was a member of Phi Alpha Theta history honorary; and

WHEREAS, the death of Nancy Langhorne Lacy has indeed left a deep void in the life of her community and in the hearts of her beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Nancy Langhorne Lacy of Huntsville, Alabama, and extend deepest sympathy to her husband, Lawrence C. Lacy; to her daughters, Patricia Pruitt, Emily Owen and Laura Dominguiz; and to other family members, whose sorrow also is ours and for whom a copy of this resolution shall be provided.

Approved July 10, 1987

Time: 12:14 P.M.

Act No. 87-385 H. 700—Reps. Fuller and Laird

AN ACT

To propose a constitutional amendment for Chambers County establishing a Fire and Rescue Fund, assessing court charges from certain criminal offenders to fund said Fire and Rescue Fund, distributing the money in said fund and granting certain powers to the county commission and the legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The Chambers County Commission shall establish a Chambers County Fire and Rescue Fund. The circuit clerk of Chambers County shall assess an additional court charge against all persons convicted in Chambers County of violating state criminal law regarding driving under the influence of alcohol or the state criminal law regarding controlled substances. First time offenders of said criminal law shall pay a court charge of twenty-five dollars ($25.00). Second time offenders of said criminal law shall pay a court charge of fifty dollars ($50.00). Third time offenders and all other offenders of said criminal law shall pay a court charge of one hundred dollars ($100.00). Said

court charge shall be in addition to all other charges prescribed by law. Said court charges shall be paid into the Chambers County Fire and Rescue Fund and shall be distributed by the county commission on January 31 of each year. Said money shall be equally distributed to all chartered volunteer fire departments and chartered volunteer rescue squads established in Chambers County. The Chambers County Commission shall be authorized to promulgate rules and regulations to implement the provisions of this amendment. The legislature shall be authorized to enact general, local or special laws to provide further for the operation of said fund, the allocation of the moneys placed in said fund and the amount of court charges levied.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Chambers County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 18, 1987

Passed the Senate July 14, 1987

Act No. 87-386 H. 812—Rep. Hammett

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate and other county officers of Covington County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of

the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate and other county officers of Covington County, and may put such officers on a salary basis and provide for the operation of their offices on such basis.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Covington County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 18, 1987

Passed the Senate July 14, 1987

Act No. 87-387 H.J.R. 110—Rep. White (L)

HOUSE JOINT RESOLUTION

ESTABLISHING THE CONTINUING SELECT JOINT COMMITTEE ON INSURANCE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing select joint committee on insurance to be composed of 12 members; the chairman of the House standing committee on Health and two members of said standing committee appointed

by the Speaker of the House, the chairman of the House standing committee on Insurance and two members of said standing committee appointed by the Speaker of the House, the chairman of the Senate standing committee on Health and two members of said standing committee appointed by the Lieutenant Governor, and the chairman of the Senate standing committee on Banking and Insurance and two members of said standing committee appointed by the Lieutenant Governor. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study supplemental and other insurance plans offered to the elderly and aged citizens of the state. The committee shall study the availability and affordability of said insurance and whether all contractual obligations are being lawfully fulfilled.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1988 Regular Session and each regular session thereafter. Provided, however, the committee shall terminate on January 1, 1991. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses within and without the state for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state, and the total expenses of the committee shall not exceed $10,000.00 per annum.

Approved July 14, 1987

Time: 4:55 P.M.

Act No. 87-388 H. 137—Reps. Penry and McMillan

AN ACT

To amend Sections 37-6-9, 37-6-10 and 37-6-11 to permit certain actions to be taken at area meetings of the members of rural electric cooperatives instead of at central annual or special meetings if the bylaws so provide, prescribes the procedures therefor and requires a central annual meeting for consolidation, merger, dissolution, sale or leasing of more than 10% of cooperative assets or bankruptcy or reorganization.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37-6-9 of the Code of Alabama of 1975 is hereby amended to read as follows:

"Section 37-6-9. Qualifications for membership; meetings; voting.

"(a) No person who is not an incorporator shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as may be provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

"(b) An annual meeting of the members shall be held at such time as shall be provided in the bylaws. The bylaws may provide that area meetings shall take the place of a central annual meeting. If the bylaws of the cooperative provide for the utilization of area meetings, the areas shall be as prescribed in the bylaws and, if the cooperative's bylaws provide for voting districts as permitted by Section 37-6-11, the area shall coincide with such voting districts. A central annual special meeting must be held, and area meetings shall not take the place of a central meeting, if members vote on whether to consolidate or merge the cooperative with any other entity, to dissolve or sell or lease more than 10% of the assets or property of the cooperative. The board of trustees shall not have authority to file any petition for bankruptcy or reorganization in any court without a vote of a majority of the members taken at a central annual or special meeting. Special meetings of the members may be called by the board of trustees, by any three trustees, by not less than 10 percent of the members or by the president. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held in the city or town in which the principal office of the cooperative is located. Except as otherwise provided in this article, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called shall be given to each member, either personally or by mail, not less than five nor more than 40 days before the date of the meeting. Three percent of all members present in person shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the

presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy or by mail, or both. If the bylaws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised. No person shall vote as proxy for more than three members at any meeting of the members.

"(c) If the trustees of the cooperative are elected at area or district meetings of members, unless the bylaws of the cooperative provide that area meetings shall take the place of an annual meeting, an annual meeting of members shall be held for the purpose of receiving reports, voting on any other matters of which notice was given to the members in the notice of the annual meeting and conducting any other business that is provided to be transacted by the bylaws of the cooperative at the annual meeting of members."

Section 2. Section 37-6-10 of the Code of Alabama of 1975 is hereby amended to read as follows:

"Section 37-6-10. Board of Trustees.

"The business and affairs of a cooperative shall be managed by a board of not less than five trustees, each of whom shall be a member of the cooperative or of another cooperative which shall be a member thereof, or a person designated by the governing body or board of directors of a municipality or other corporation, respectively, which is a member thereof. The bylaws shall prescribe the number of trustees, their qualifications, other than those provided for in this chapter, the manner of holding meetings of the board of trustees, and of the election of successors to trustees who shall resign, die or otherwise be incapable of acting. The bylaws may also provide for the removal of trustees from office and for the election of their successors. Without approval of the members, trustees shall not receive any salaries for their services as trustees and, except in emergencies, shall not be employed by the cooperative in any capacity involving compensation. The bylaws may, however, provide that a fixed fee and expenses of attendance, if any, may be allowed to each trustee for attendance at each meeting of the board of trustees. The trustees of a cooperative named in any articles of incorporation, consolidation, merger or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors shall have been elected and qualified. At each annual meeting, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, or at an area or district meeting, the members shall elect trustees

to hold office until the next following annual meeting of the members, except as hereinafter otherwise provided. Each trustee shall hold office for the term for which he is elected or until his successor shall have been elected and qualified. The bylaws may provide that, in lieu of electing the whole number of trustees annually, the trustees shall be divided into classes at the first or any subsequent annual meeting, each class to be as nearly equal in number as possible, with the term of office of the trustees to be staggered. At each annual, district or area meeting after such classification, a number of trustees equal to the number of the class whose term expires at the time of such meeting shall be elected. A majority of the board of trustees shall constitute a quorum. If a husband and wife hold joint membership in a cooperative, pursuant to appropriate bylaw provision, either one, but not both, may be elected as a trustee. The board of trustees may exercise all of the powers of a cooperative except such as are conferred upon the members by this chapter or its articles of incorporation or bylaws."

Section 3. Section 37-6-11 of the Code of Alabama of 1975 is hereby amended to read as follows:

"Section 37-6-11. Voting districts.

"Notwithstanding any other provision of this chapter, the bylaws may provide that the territory in which a cooperative supplies electric energy to its members shall be divided into two or more voting districts and that, in respect of each such voting district, a designated number of trustees shall be elected by the members residing therein, or a designated number of delegates shall be elected by such members, or both such trustees and delegates shall be elected by such members. In any case, the bylaws shall prescribe the manner in which such voting districts and the members thereof and the delegates and trustees, if any, elected therefrom shall function, and the powers of the delegates, which may include the power to elect trustees. No member at any voting district meeting and no delegate at any meeting shall vote by proxy or by mail. A quorum of 3% of all members present in person shall constitute a quorum for the election of trustees at a district or area meeting of members or for the transaction of other business at an area meeting, unless the bylaws prescribe a greater quorum requirement. In actions required to be approved by the cooperative's members, votes cast at all area meetings shall be aggregated and the failure of an area to have a quorum present or an adverse vote at some area meetings shall not defeat the action if, after aggregating votes at all area meetings, the proposal received a sufficient vote on an aggregate basis. No vote of the members on any matter required to be voted on by Section 37-6-9(b) at a central annual or special meeting shall be taken at an area meeting."

Section 4. The provisions of this Act are not severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall affect this entire Act and shall render invalid all parts which would otherwise remain.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 14, 1987

Time: 4:56 P.M.

Act No. 87-389 H. 163—Reps. Carothers, Johnson (RG), Hall, Faulk, Flowers, Drake and Warren

AN ACT

To amend §34-24-360(15), Code of Alabama, 1975 to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Section 34-24-360(15), Code of Alabama, 1975 is hereby amended as follows:

The medical licensure commission shall have the power and duty to suspend for a specified time, to be determined in the discretion of the commission, or revoke any license to practice medicine or osteopathy in the state of Alabama whenever the licensee shall be found guilty on the basis of substantial evidence of any of the following acts or offenses:

(1) Fraud in applying for or procuring a certificate of qualification to practice medicine or osteopathy or a license to practice medicine or osteopathy in the state of Alabama;

(2) Immoral, unprofessional or dishonorable conduct as defined in the rules and regulations promulgated by the commission;

A physician is guilty of unprofessional conduct if he/she prescribes, orders, dispenses, administers, supplies or otherwise distributes any schedule II amphetamine and/or schedule II amphetamine like anorectic drug and/or schedule II sympathomimetic amine drug or compound thereof, and/or any salt, compound, isomer, derivative or preparation of the foregoing which are chemically equivalent thereto, and/or other nonnarcotic schedule II stimulant drug, which

drugs or compounds are classified under schedule II of the Alabama Uniform Controlled Substances act, section 20-2-24, to any person except for the therapeutic treatment of:

1. Narcolepsy;

2. Hyperkinesis;

3. Brain dysfunction of sufficiently specific diagnosis, or etiology which clearly indicates the need for these substances in treatment or control;

4. Epilepsy;

5. Differential psychiatric evaluation of clinically significant depression; provided however, that such treatment shall not extend beyond a period of 30 days unless the patient is referred to a licensed practitioner specializing in the treatment of depression;

6. Clinically significant depression shown to be refractory to other therapeutic modalities; provided however, that such treatment shall not extend beyond a period of 30 days unless the patient is referred to a licensed practitioner specializing in the treatment of depression; or for the clinical investigation of the effects of such drugs or compounds in which case an investigative protocol must be submitted to and reviewed and approved by the state board of medical examiners before the investigation has begun. A physician prescribing, ordering or otherwise distributing the controlled substances listed above in the manner permitted by this subsection shall maintain a complete record which must include documentation of the diagnosis and reason for prescribing, the name, dose, strength, and quantity of the drug, and the date prescribed or distributed. The records required under this subsection shall be made available for inspection by the certifying board or its authorized representative upon request. Those schedule II stimulant drugs enumerated above shall not be dispensed or prescribed for the treatment or control of exogenous obesity.

(3) Practicing medicine or osteopathy in such a manner as to endanger the health of the patients of the practitioner;

(4) Conviction of a felony; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(5) Conviction of any crime or offense which reflects the inability of the practitioner to practice medicine or osteopathy with due regard for the health or safety of his patients; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(6) Conviction for any violation of a federal or state law relating to controlled substances; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(7) Use of any untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of his proposed treatment;

(8) Distribution by prescribing, dispensing, furnishing, or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose;

(9) Gross malpractice or repeated malpractice or gross negligence in the practice of medicine or osteopathy;

(10) Division of fees or agreement to split or divide the fees received for professional services with any person for bringing or referring a patient;

(11) Performance of unnecessary diagnostic tests or medical or surgical services;

(12) Charging fees determined by the commission to be grossly excessive;

(13) Aiding or abetting the practice of medicine by any person not licensed by the commission;

(14) Conviction of fraud in filing medicare or medicaid claims or conviction of fraud in filing claims to any third party payor; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence;

(15) Any disciplinary action taken by another state against a license to practice medicine or osteopathy based upon acts by the licensee similar to acts described in this section; a certified copy of the record of the disciplinary action of the state making such an action is conclusive evidence thereof;

(16) Refusal to appear before the state board of medical examiners after having been formally requested to do so in writing by the executive director of the board;

(17) Making any fraudulent or untrue statement to the commission or to the state board of medical examiners;

(18) The removal of staff privileges of a licensee by a hospital in this or any other state when such action is related to medical incompetence, moral turpitude, or drug or alcohol abuse;

(19) Being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of illness, inebriation,

excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition.

When the issue is whether or not a doctor is physically or mentally capable of practicing medicine or osteopathy with reasonable skill and safety to patients, then, upon a showing of probable cause to the board or commission that the doctor is not capable of practicing medicine or osteopathy with reasonable skill and safety to patients, the board or commission may order and direct the doctor in question to submit to either a physical, mental or laboratory examination or any combination of such examinations to be performed by a physician or osteopath designated by the board. The expense of such examination shall be borne by the physician or osteopath who is so examined.

Every physician licensed to practice medicine or osteopathy in the state of Alabama who accepts the privilege of practicing medicine or osteopathy in the state of Alabama by actually practicing or by the making and filing of an annual registration to practice medicine shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations and to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications. (Acts 1981, No. 81-218, p. 273, §19.)

SECTION 2. The provisions of this Act are severable, and if any part thereof be declared unconstitutional or void by any court of competent jurisdiction, such declaration shall not affect those parts remaining.

SECTION 3. All laws or parts of laws which conflict with this Act are repealed.

SECTION 4. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 14, 1987

Time: 4:57 P.M.

Act No. 87-390 H. 73—Rep. Higginbotham

AN ACT

To amend Section 6-5-332, Code of Alabama, 1975, relating to rendering first aid or emergency care at the scene of an accident so as to include education employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-5-332, Code of Alabama, 1975, is hereby amended to read as follows:

"§6-5-332.

"(a) When any doctor of medicine or dentistry, nurse, member of any organized rescue squad, member of any police or fire department, member of any organized volunteer fire department, Alabama-licensed emergency medical technician, intern or resident practicing in an Alabama hospital with training programs approved by the American Medical Association, Alabama state trooper, medical aidman functioning as a part of the military assistance to safety and traffic program, or public education employee gratuitously and in good faith, renders first aid or emergency care at the scene of an accident, casualty or disaster to a person injured therein, he shall not be liable for any civil damages as a result of his acts or omissions in rendering such first aid or emergency care, nor shall he be liable for any civil damages as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person.

(b) Any member of the crew of a helicopter which is used in the performance of military assistance to safety and traffic programs and is engaged in the performance of emergency medical service acts shall be exempt from personal liability for any property damages caused by helicopter downwash or by persons disembarking from the helicopter.

(c) When any physician gratuitously advises medical personnel at the scene of an emergency episode by direct voice contact, to render medical assistance based upon information received by voice or biotelementry equipment, such actions ordered taken by the physician to sustain life or reduce disability shall not be considered liable when such actions are within the established medical procedures.

(d) Any person who is qualified by a federal or state agency to perform mine rescue planning and recovery operations, including mine rescue instructors and mine rescue team members, and any person designated by an operator furnishing a mine rescue team to supervise, assist in planning or provide service thereto, who, in good faith, performs or fails to perform any act or service in connection with such mine rescue planning and recovery operations shall be liable for any civil damages as a result of any such acts or omissions; provided, however, that nothing contained in this subsection shall be construed to exempt from liability any person responsible for an overall mine rescue operation, including an operator of an affected facility and any person assuming responsibility therefor under federal or state statutes or regulations.

Section 2. REPEALER.

All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. SEVERABILITY.

The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. EFFECTIVE DATE.

This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 14, 1987

Time: 4:58 P.M.

Act No. 87-391 H. 48—Rep. White (L)

AN ACT

To establish the venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality shall be in the county or in the county within which the municipality is located or in the county in which the act or omission complained of occurred.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1987

Time: 4:59 P.M.

Act No. 87-392 H. 863—Reps. Breedlove and Blakeney

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, relative to the fees and compensation of the judge of probate of Clarke County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Clarke County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate of Clarke County; and may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officer to be paid into the treasury from which his salary is paid.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Clarke County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House June 23, 1987

Passed the Senate July 16, 1987

Act No. 87-393 S. 354—Senator Dial

AN ACT

Relating to Clay County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1991, or upon occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Clay County. A commissioner shall be elected at the general election in 1990 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessment for and the collection of taxes; provided, however, nothing in this act shall be construed to change procedures for assessment of property assessed by the department of revenue pursuant to Section 40-21-1 of this Code.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and shall provide all

stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office, the county revenue commissioner shall receive an annual salary as provided by law, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of the tax assessor and tax collector of Clay County are hereby abolished effective the first day of October 1991, or upon the occurrence of a vacancy in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before October 1, 1991, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform such duties until a county revenue commissioner has been elected as provided herein. For the performance of such duties, he shall be entitled to the salary herein above prescribed for the county revenue commissioner.

Section 8. The provisions of this act shall become operative in Clay County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election to be held at the next general, special or constitutional election. Said election may be held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows:

"Shall Act No. _____ of the 1987 Regular Session of the Legislature which provides for the abolition of the offices of tax assessor and tax collector of Clay County and the consolidation of the duties of these officers into the one office to be known as the county revenue commissioner, be approved? Yes __ No __."

If a majority of the votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Clay County. Such notice shall be published once

a week for three successive weeks before the day of the election. The judge of probate shall also certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 9. It is the purpose of this act to promote the public convenience in Clay County by consolidating the offices of tax assessor and tax collector into one office.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1987

Time: 10:35 A.M.

Act No. 87-394 S. 534—Senators Smith (B), Smith (J) and Hale

AN ACT

Relating to Madison County; to amend Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts of 1980, p. 366), entitled, "An Act Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes," so as to provide that in addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10% of its budget, as needed.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts of 1980, p. 366), entitled, "An Act Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes," is hereby amended to read as follows:

"A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

"Beginning fiscal year 1982-1983, the first $45,000 paid, as Madison County's total share, shall be for the purpose of establishing

and maintaining a legislative delegation office. Each year thereafter, this amount will increase according to the most recently published Consumer Price Index of the Bureau of Labor Statistics. The increase will be determined by comparing the CPI for the most recent month to the CPI of the same month one year prior. If there is no increase indicated, the amount received by the Legislative Office will be the same received for the preceding year. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each House voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not spent at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

"In addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10% of its budget allocation. It is understood this allocation may not be annually, but only as needed.

"B. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

"1. Seventy percent (70%) of said remaining money shall be paid to the City of Huntsville. Said payment shall be distributed in the following manner:

"(a) Sixty-five percent (65%) to the city school system to be paid by the city governing body directly to the school system.

"(b) Twenty-five percent (25%) to the city general fund.

"(c) Ten percent (10%) to the City of Huntsville Hospital Authority, provided, however, that if the revenue produced by this percentage formula should exceed $525,000 in any fiscal year, said

excess revenue shall revert to the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

"2. Twenty-nine and one-half percent (29½%) of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

"(a) Sixty-five percent (65%) to the county school system to be paid by the county governing body directly to the school system.

"(b) Twenty-eight percent (28%) to the county general fund.

"(c) Seven percent (7%) to the City of Huntsville Hospital Authority, provided however, that if the revenue produced by this percentage formula shall exceed $150,000 in any fiscal year, said excess revenue will revert to the general fund of Madison County.

"3. One-half percent (½%) of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

"(a) Sixty-five percent (65%) to the county school system to be paid by the municipal governing body directly to the school system.

"(b) Thirty-five percent (35%) to the municipal general fund."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1987

Time: 4:40 P.M.

Act No. 87-395 S. 552—Senators Figures and Bedsole

AN ACT

Relating to seized assets and funds in controlled substances proceedings in Mobile County; authorizing the sheriff of the county and municipal chiefs of police to distribute such assets or funds for private and nonprofit drug prevention programs.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, the sheriff of the county and the chiefs of police of the municipalities of Mobile County may in

their respective judgments distribute forfeitable assets or funds received pursuant to Section 20-2-93, Code of Alabama 1975, as amended, 19 U.S. Code 1616(a), as amended, or any other applicable law providing for the seizure of assets and funds in controlled substances proceedings to directed or coordinated, comprehensive, ongoing community based drug prevention programs, provided, however, that the assets or funds must have legally become property of the county or municipality.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1987

Time: 12:15 P.M.

Act No. 87-396 S. 557—Senator Figures

AN ACT

This bill provides a supplement to the salary of each district judge in the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary paid to each district court judge in the Thirteenth Judicial Circuit by the State, there also shall be payable to each district court judge from the general fund of the county treasury in equal monthly installments an annual supplement to his salary payable by the State, so that the total amount of his entire annual salary payable by the State and County shall be an amount equal to five hundred dollars ($500.00) less than the total annual salary of circuit court judges in such county. Said supplemental salary shall be paid at the same time and in the same manner that the salary of other county employees are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1987.

Time: 5:15 P.M.

Act No. 87-397 H. 980—Rep. Black

AN ACT

To propose an amendment to the Constitution of Alabama 1901, as amended, for Greene County to provide further for filling certain vacancies in certain county offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

In Greene County, if a vacancy occurs in the office of county commission, tax assessor, tax collector, coroner or probate judge, and there is less than one year remaining in the term of said office, the vacancy shall be filled by an appointment of the county commission at a special meeting called for that purpose, or at the next regular meeting of the commission, and the person so selected shall hold office for the remainder of the term of the member whom he is selected to succeed. In the event no person receives a majority of the votes cast by the members of the commission to fill said vacancy, then the chairman of the Greene County Commission shall forthwith certify to the Governor, the names of each person or persons who received a vote or votes and the Governor shall appoint one of such persons to fill the said vacancy. If there is more than one year remaining in the term of such vacated office, the county commission shall provide for a special election to fill such vacancy within 60 days of said vacancy.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Greene County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

Section 5. The provisions of this amendment shall be self-executing.

CONSTITUTIONAL AMENDMENT

Passed the House July 8, 1987

Passed the Senate July 16, 1987

Act No. 87-398 H. 1039—Reps. Marks and Parker

AN ACT

Proposing an amendment to the Constitution of 1901, as amended, relating to Morgan County and the levy of ad valorem taxes which exist or which hereafter are enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

In Morgan County, if the tax or the continuation of an expiring tax for specified purposes or for purposes other than originally levied, not exceeding one and one-half (1½) mills on each dollar of taxable property in the county, by vote of a majority of the affected qualified electors of the county who participate in any election called for that purpose, the governing body of Morgan County shall continue for other than the original purposes, or levy and collect in addition to any and all other taxes authorized by law said ad valorem taxes until the Mallard-Fox Creek project bond issue is repaid, for 25 years or whichever first occurs. An election shall be called by the county governing body as they deem necessary and such election shall be

conducted in the manner which said governing body prescribes; provided, however, a public hearing with notice shall first be called on the subject at which a majority of the members of the county commission approve a resolution therefor.

The provisions of this amendment shall be construed in pari materia with any and all other amendments relating to Morgan County and ad valorem taxation.

Section 2. The provisions of this amendment proposed by this act shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the Morgan County.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Morgan County after the expiration of three months from the final adjournment of the session of the Legislature in which this act is enacted. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House July 9, 1987

Passed the Senate July 16, 1987.

Act No. 87-399 S. 241—Senator deGraffenried

AN ACT

Relating to Tuscaloosa County; to amend Sections 10 and 11 of Act No. 80-618, H. 852, Regular Session 1980, (Acts 1980, p. 1054), which established a public defender office in Tuscaloosa County, so as to increase court costs taxed in the circuit and district courts payable to the public defender fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 10 and 11 of Act No. 80-618, H. 852, Regular Session 1980, (Acts 1980, p. 1054), are hereby amended to read as follows:

"Section 10. In order to provide a special fund for the purposes set forth in this act, there shall be taxed as costs the sum of ten

dollars ($10.00) in each case or (action in the Circuit Court of Tuscaloosa County, Alabama, including but not being limited to all quasi-civil actions at law, suits in equity, and, fifteen dollars ($15.00) in all criminal cases, quasi-criminal cases, proceedings on a forfeited bail bond or proceedings on a forfeited bond hereafter given in connection with an appeal from a judgment or conviction of any county or municipal court to the Circuit Court hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit Court of Tuscaloosa County, which costs shall be collected as other costs in such cases are collected by the clerk of said court or the register in chancery thereof, as the case may be, and when collected shall be paid to said public defender fund.

"Section 11. There shall also be taxed as costs the sum of five dollars ($5.00) in each civil case or criminal case hereafter filed in the District Court, which costs shall be collected as other costs in such cases are collected and when collected by the clerk of said court shall be paid to the public defender fund."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 17, 1987 without approval by the Governor.

Act No. 87-400 S. 449—Senator Smith (J)

AN ACT

To amend the title and section 1 of Act No. 80-783, S. 599 of the 1980 Regular Session (Acts 1980, p. 1617) providing a county salary supplement for the circuit judges in the Thirty-ninth Judicial Circuit so to provide further for such salary supplements.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and section 1 of Act No. 80-783, S. 599 of the 1980 Regular Session (Acts 1980, p. 1617) are hereby amended to read as follows:

"An Act Providing a county salary supplement for the circuit judges of the Thirty-ninth Judicial Circuit."

"Section 1. In the Thirty-ninth Judicial Circuit, each circuit judge is hereby authorized to receive as a supplemental salary to that paid by the state a sum equal to thirty percent (30%) of the salary paid said judges by the state. The county commission of Limestone

County is hereby directed to pay the supplemental salaries provided herein out of the county general fund. Said supplemental salaries shall be in addition to any other salary, compensation, allowance, or expenses provided by law but shall be in lieu of any other supplemental salary paid by the county."

Section 2. This act shall become effective on the first day of the first month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 17, 1987 without approval by the Governor.

Act No. 87-401 S.J.R. 167—Senator Bedford

SENATE JOINT RESOLUTION

NAMING A PORTION OF STATE HIGHWAY 18 IN HONOR OF MAX NEWMAN OF MILLPORT, ALABAMA

WHEREAS, our esteemed colleague, Max Newman of Millport, Alabama, is now serving his second term as a member of the Alabama Legislature representing House District 16; and

WHEREAS, Mr. Newman has further distinguished himself in military service to his country; as a former coach and high school principal; as a successful businessman; and through leadership activities with numerous professional, civic, community and veterans' organizations and affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to community, state and nation by the Honorable Max Newman of Millport, Alabama, we hereby name and designate that portion of State Highway 18, in House District 16, from the city limits of Vernon in Lamar County to the city limits of Fayetteville in Fayette County, the "Max Newman Highway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Max Newman Highway."

RESOLVED FURTHER, That a copy of this resolution be presented to our good friend and colleague, Representative Max Newman of Millport.

Approved July 17, 1987

Time: 11:45 A.M.

Act No. 87-402 S.J.R. 172—Senator Amari

SENATE JOINT RESOLUTION

URGING THE JEFFERSON COUNTY COMMISSION TO PROVIDE OFFICE SPACE IN THE COUNTY SEAT FOR THE SHERIFF.

WHEREAS, under the general law of the state, the county commission is charged with the duty of providing necessary county buildings; and

WHEREAS, state law mandates that the sheriff keep his office at the courthouse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the Jefferson County Commission to provide office space in the county seat of Birmingham for the Jefferson County Sheriff's Office.

Approved July 17, 1987

Time: 11:46 A.M.

Act No. 87-403 S.J.R. 177—Senators Corbett, Bedford, Figures, Rice, Sanders, Holmes, Amari, Goodwin, Campbell, Parsons, Bennett, Menton, Drinkard, Foshee, Ellis, Bishop, Bedsole, Smith (J), Preuitt, Dixon, Mitchem, Manley, Horn, Dial, Covington, Hand, Cabaniss, Hale, Barron, deGraffenried, Denton, Smith (B), Hilliard, Langford and Bailey

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT DAVID ROLLINS OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of Robert David Rollins

of Montgomery, Alabama, on July 11, 1987, at the age of just 33 years; and

WHEREAS, Robert David Rollins, an eight year veteran with the Capitol Police force, was a truly dedicated law enforcement officer whose distinguished career was marked in accomplishment, and his record of service to the State was impeccable; and

WHEREAS, a native of Pine Level, Alabama, and a graduate of Montgomery County High School, Officer Rollins was a United States Army veteran with three years of active duty service; he also attended the Police Academy in Selma and had completed training as an emergency medical technician at Trenholm State Technical College; and

WHEREAS, Officer Rollins, as a member of the Capitol Police, became a close friend of many members of the Legislature who are deeply grateful for his services in their behalf and for his many acts of friendship and kindness through the years; and

WHEREAS, not only was Robert Rollins a dedicated public employee, but also was a staunch supporter of numerous community affairs and was most particularly involved with activities of the Finley Avenue Church of Christ; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert David Rollins of Montgomery, Alabama, and extend our most heartfelt sympathy to his beloved wife, Mrs. Rose Rollins; sons, Kelvin and Lemuel; and to other family members, whose deep sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved July 17, 1987

Time: 11:47 A.M.

Act No. 87-404 H. 958—Rep. Laird

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the levy and collection of an additional property tax within the Roanoke School District, Randolph County, for public education purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of

the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The Roanoke City Board of Education shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of 20 mills on each dollar of taxable property located within the Roanoke School District, for public educational purposes within the Roanoke School District of Randolph County. Said taxes shall be continued for a period of thirty-five years, commencing October 1, 1987.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in one newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Randolph County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state. This act shall be noneffective without the approval of a majority of the qualified electors within the Roanoke School District voting in such election.

CONSTITUTIONAL AMENDMENT

Passed the House July 8, 1987 as amended

Passed the Senate July 16, 1987 as amended

House concurred in Senate amendment July 17, 1987

Act No. 87-405 H. 184—Reps. Fuller, Carter, Harper, Higginbotham, Campbell,

Box, McMillan, Adams, Burke, Kvalheim, Junkins, McKee, Layson, McClain, White (L), Williams, Davis, White (G), Freeman, Gaston, Kennedy, Marietta, Zoghby, Wright and Turnham

AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-178, 12-19-179 and 12-14-14, Code of Alabama 1975, to increase the fees and costs in circuit, district, and municipal courts; to further provide for the distribution of fees and costs in circuit, district and municipal courts so as to enhance that portion of the fees and costs that are distributed to the state general fund, to the various county general funds, and to municipalities, to further provide for the costs assessed in municipal courts; to provide for the appropriation from the State General Fund of the increase in said fees and costs that are distributed to the State General Fund; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-71, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-71. Same-Amount

The docket fees which shall be collected in civil cases shall be:

(1) Twenty-five dollars for cases filed on the small claims docket of the district court;

(2) Fifty-nine dollars for cases otherwise filed in the district court;

(3) Ninety-five dollars for cases filed in the circuit court; and

(4) An additional $50.00 to be paid at the time the jury is demanded by any party demanding a jury."

Section 2. Section 12-19-72, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-72. Same-Distribution

The docket fees collected in civil cases shall be distributed as follows:

(1) For cases on the small claims docket of the district court, $7.00 to the fair trial tax fund, $8.00 to the state general fund, and $5.00 to the county general fund;

(2) For other district court cases, $7.00 to the fair trial tax fund, $44.00 to the state general fund, and $8.00 to the county general fund;

(3) For cases filed in circuit court, $7.00 to the fair trial tax fund, $78.00 to the state general fund, and $10.00 to the county general fund; and

(4) Ten dollars of all sums paid pursuant to subdivision (4) of section 12-19-71 shall be paid to the fair trial tax fund and $40.00 to the state general fund.

Section 3. Section 12-19-73, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-73. Circuit and district court defendant service fees.

(a) The following defendant service fees shall be collected in civil cases in circuit court and district court:

For each defendant in excess of one, where personal service is required, there shall be collected a service fee of $10.00; provided, however, where service on any defendant is by publication or by registered mail, the actual cost of such service shall be collected as the service fee. All service fees shall be paid at the time of filing; except, that prepayments shall not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

(b) Fees for personal service collected in civil cases shall be distributed as follows: The first $3.00 of each such service fee shall be paid to the county general fund, and the balance thereof shall be paid to the state general fund."

Section 4. Section 12-19-74, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-74. Circuit and district court fee for service of witness subpoenas.

(a) In civil cases in circuit court and district court, for the issuance of witness subpoenas a fee of $8.00 shall be collected for each subpoena. Subpoena fees shall be paid at the time the subpoena is requested unless the court has approved an affidavit of substantial hardship on behalf of the party requesting the subpoena(s).

(b) Five dollars of each subpoena fees collected in civil cases shall be distributed to the county general fund and three dollars to the state general fund."

Section 5. Section 12-19-75, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-75. Circuit and district court attachment, garnishment and execution fees.

(a) In civil cases in circuit court and district court there shall be collected a fee for the initiation of each of the following postjudgment proceedings: attachment, garnishment and execution. The fee for such proceeding shall be paid at the time the proceeding is initiated.

(b) The amounts of the postjudgment fees shall be as follows:

(1) Fifteen dollars for attachment;

(2) Fifteen dollars for garnishment; and

(3) Seven dollars for execution.

(c) The postjudgment fees collected in civil cases shall be distributed as follows:

(1) Twelve dollars of the attachment fee to the state general fund; $3.00 of the attachment fee to the county general fund.

(2) Twelve dollars of the garnishment fee to the state general fund; $3.00 of the garnishment fee to the county general fund.

(3) Five dollars of the execution fee to the state general fund; $2.00 of the execution fee to the county general fund.

Section 6. Section 12-19-171, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-171. Amounts of docket fees in juvenile and criminal cases in circuit and district courts generally; juvenile division docket fee; disbursement; witness fees; fee for issuance of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District Court:

a. Traffic infraction $38.00

b. Issuance of alias writ 20.00

c. Misdemeanor-violation 60.00

d. Felony guilty plea 130.00

e. Preliminary hearing 30.00

f. Bond forfeiture 35.00

(2) Circuit Court:

a. Issuance of alias writ 30.00

b. Misdemeanor 60.00

d. Felony 130.00

Bond Forfeiture 35.00

(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at $40.00 and shall be distributed as follows: $7.00 to the fair trial tax fund, $18.00 to the state general fund, $10.00 to the county general fund, and $5.00 to the peace officers' standards and training fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) A fee of $8.00 shall be collected for the issuance of each witness subpoena. Witness subpoena fees shall be in addition to docket fees. The subpoena fee shall be distributed five dollars to the county general fund and three dollars to the state general fund.

Section 7. Section 12-19-172, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

(1) Traffic infraction $38.00

(2) Issuance of alias writ 20.00

(3) Other ordinance violations 60.00

(4) Bond forfeiture 35.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases."

Section 8. Section 12-19-173, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-173. Distribution of docket fees-Cases in circuit and district courts in which bond forfeited.

The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: $7.00 to the fair trial tax fund; $23.00 to the state general fund; $5.00 to the county general fund."

Section 9. Section 12-19-174, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-174. Same-Felony cases in circuit court.

The following distribution shall be made of docket fees for felony cases in circuit court: $10.00 to the peace officers' annuity fund; $7.00 to the fair trial tax fund; $63.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $10.00 to the peace officers' standards and training fund."

Section 10. Section 12-19-175, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-175. Same-Misdemeanor cases in circuit court.

The following distribution shall be made of docket fees for misdemeanors in circuit court: $7.00 to the fair trial tax fund; $23.00 to the state general fund; $10.00 to the county general fund; $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $5.00 to the peace officers' annuity fund; and $5.00 to the peace officers' standards and training fund, provided however, that the $5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in traffic or conservation cases."

Section 11. Section 12-19-176, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-176. Same-Felony guilty pleas in district court.

The following distribution shall be made of docket fees for felony guilty plea cases in district court: $10.00 to the police officers' annuity fund; $7.00 to the fair trial tax fund; $63.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $10.00 to the peace officers' standards and training fund."

Section 12. Section 12-19-178, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-178. Same-Misdemeanor cases in district court.

The following distribution shall be made of docket fees for misdemeanor cases in district court: $5.00 to the police officers'

annuity fund; $7.00 to the fair trial tax fund; $23.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $5.00 to the peace officers' standards and training fund, provided however, that the $5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in conservation cases."

Section 13. Section 12-19-179, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-179. Same-Traffic infractions in district court.

(a) The following distribution shall be made of docket fees for traffic infractions in district court: $1.00 to the police officers' annuity fund; $7.00 to the fair trial tax fund; $1.50 to the driver education fund; $18.00 to the state general fund; $3.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and $2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees."

(b) Fees for issuance of alias writs from circuit and district courts shall be distributed as follows: writs issuing from district court, $2.00 to the county general fund; $18.00 to the state general fund; writs issuing from circuit court, $5.00 to the county general fund; $25.00 to the state general fund."

Section 14. Section 12-14-14, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-14-14. Court costs.

In addition to any costs and charges fixed by law upon conviction for violations of municipal ordinances in municipalities having a municipal court, $12.00 shall be assessed and collected as other costs and charges are collected. $5.00 of such sum shall be remitted to the state general fund; $5.00 shall be remitted to the general fund of the municipality maintaining the municipal court; and $2.00 shall be remitted to the Alabama peace officers' annuity and benefit fund established pursuant to Section 36-21-66. In addition, the governing body of each municipality having a municipal court may by ordinance provide for the imposition of other costs in the maximum amount of $10.00, which sum shall be in addition to any other costs and charges fixed by law for conviction of any municipal ordinance violation.

Section 15. Notwithstanding any provision of the law to the contrary, the increases in fees and costs provided in this act shall in no instance operate to increase the municipal share of the docket fees collected in municipal ordinance cases in the district and circuit courts. In addition, nothing in this Act should be construed to increase the fees and costs applicable to traffic cases in the district courts.

Section 16. Except for the law library costs provided in Section 11-25-9 and the victims compensation costs provided in Section 15-23-17, the fees and costs prescribed in this act for circuit and district courts shall be exclusive of all other fees and costs that are prescribed by general law for such courts, notwithstanding any other provision of law to the contrary.

Section 17. The fees and costs provided herein shall be assessed and collected in all civil cases or proceedings filed on or after the effective date of this Act and in all criminal cases wherein the defendant is adjudicated guilty or pleads guilty or where a final forfeiture is entered on any bond on or after the effective date of this Act.

Section 18. There is hereby appropriated to the following entities from the increase in fees and costs that are distributed to the State General Fund as provided for in this Act as follows:

a. Court of Civil Appeals $132,951

b. Court of Criminal Appeals $227,275

c. Alabama Supreme Court $686,510

d. Unified Judicial System $6,178,467

e. District Attorneys $1,100,000

The appropriations provided for in this Section shall be for the fiscal year ending September 30, 1988 and shall be in addition to any funds that may be appropriated to said entities in the General Appropriations Act for the fiscal year ending September 30, 1988.

Section 19. All laws or parts of laws in conflict herewith are hereby repealed.

Section 20. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 21. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1987

Time: 3:30 P.M.

Act No. 87-406 H. 814—Rep. Harvey

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of catfish and catfish products; and to provide for assessment and fees to pay for the cost thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of catfish.

The legislature may provide for the promotion of catfish and catfish products by research, education advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of catfish by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the purchase of catfish feed for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, distributors of catfish feed and handlers of catfish. The legislature may make provisions for the nonpayment of assessments by catfish producers and shall make provisions for the refund of assessments to any purchaser of catfish feed who does not desire to participate in an assessment program.

The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a non profit association or organization for the promotion and betterment of catfish and catfish products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of catfish. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements

and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this constitution or any provision thereof. Any uniformity requirements of this constitution shall be satisfied by the application of the program upon catfish.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House July 9, 1987

Passed the Senate July 17, 1987

Act No. 87-407

S. 486—Senators Denton, Bedford, Barron, Menton, Holmes, Goodwin, Smith (J), Preuitt, Hale, Bennett, Rice, Campbell, Hand, Dial, Bailey, Bedsole, deGraffenried, Manley, Amari, Parsons,

Langford, Dixon, Covington and Smith (B)

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, relating to the Alabama music hall of fame board is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

I

Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, the Alabama Music Hall of Fame Authority (hereinafter described) is fully authorized and empowered to sell and issue its interest bearing bonds, which shall be and constitute general obligations of the state, in an aggregate principal amount not exceeding $2,500,000, provided such bonds shall be issued pursuant to public competive bids. The expenses incurred in the sale and issuance of said bonds shall be paid by the authority out of the proceeds derived from the sale thereof. The proceeds of said bonds remaining after payment of said expenses shall be turned over to the state treasurer, shall be carried in a special account of the state treasury to the credit of the authority, and shall be subject to be drawn on solely by the authority for the purposes authorized in this amendment.

As used in this amendment, the following words and phrases shall have the following respective meanings:

"authority" means the Alabama Music Hall of Fame Authority created and established by this amendment.

"board" means (i) the Alabama Music Hall of Fame Board created and established by Sections 41-9-680, et seq., of the Code of Alabama 1975, as amended, or (ii) such other agency of the state which performs substantially the same functions as said board and which is declared by the legislature to be a successor thereto or a replacement thereof.

"state" means the state of Alabama.

The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of said bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such bonds issued pursuant to this amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said bonds and the interest and premium (if any) thereon.

The proceeds of said bonds remaining after payment of the expenses of selling and issuing the same, together with the investment income derived from said proceeds, shall be used for the purpose of providing funds for the acquisition, construction, installation and equipping of buildings and other facilities consisting of any one or more of the following to be located in Colbert County, Alabama: (i) a music hall of fame and exhibition facility for the display of busts, statues, plaques, books, papers, pictures, computerized figures, memorabilia, records, films, audio tapes, video tapes, compact disks, recordings, pictures and other exhibits relating to music and musicians, (ii) a library, research and educational center for the collection and documentation of music and for music education and enrichment programs, (iii) an audio-visual auditorium/theatre, (iv) a recording studio, or (v) other facilities necessary or useful in connection with the use of any of the aforesaid facilities, including the acquisition of sites and equipment for any of the aforesaid facilities. Said proceeds may also be used to pay any costs and expenses incidental to the aforesaid purposes for which the bonds are authorized, which may include but shall not be limited to interest on such bonds prior to and during construction of the aforesaid facilities to be constructed with said proceeds and for not exceeding one year after completion of construction. The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine which of the aforesaid facilities shall be acquired, constructed, installed or equipped by the authority using the aforesaid proceeds. The plans and specifications for any building or other facility acquired, constructed, installed or equipped with proceeds of said bonds shall be approved solely by the authority.

The authority is also authorized and empowered to sell and issue one or more series of its bonds, which shall be and constitute general obligations of the state, to refund all or any of the bonds authorized by this amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by resolution duly adopted by the authority. The authority is also hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of such refunding bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such refunding bonds issued pursuant to this amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said refunding bonds and the interest and premium (if any) thereon.

All bonds issued by the authority (including refunding bonds) may be sold at public or private sale, with or without competitive bidding, to such person or persons, at such price or prices and upon such terms as the authority shall determine to be in the best interests of the authority and the state. Neither a public hearing nor consent of the state (including any officer, official, department or other agency of the state) shall be a prerequisite to issuance of any bonds by the authority.

Nothing in this amendment or in any other provision of the Constitution of Alabama of 1901, as amended, shall prevent the authority from selling and issuing one or more additional series of its bonds which shall be solely revenue obligations of the authority and which shall not create general obligations or debts of the state.

II

There is hereby created and established a state agency to be known as the Alabama Music Hall of Fame Authority which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of the aforesaid facilities.

The members of the board, and their respective successors as members thereof shall constitute ex officio all the members of the authority. The chairman, vice chairman, secretary and treasurer of the board shall constitute ex officio the chairman, vice chairman, secretary and treasurer respectively of the authority. The authority, at its option, may appoint an assistant secretary who need not be a member of the authority. The members of the authority shall constitute the governing body of the authority. The presence of any four members of the authority shall constitute a quorum for the

transaction of business. No vacancy in the membership of the authority or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the authority to act. Should any member of the authority cease to be a member or officer of the board by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor as a member or officer of the board shall take his place as a member or officer, as the case may be, of the authority.

The authority may adopt such rules, regulations and bylaws as it may determine to be necessary or desirable for the conduct of its duties, powers or functions. The authority is authorized and empowered to use the moneys, services, facilities and employees of the board in carrying out its functions or in furthering the objects or purposes of this amendment. Members and officers of the authority shall be entitled to compensation for their services as may from time to time be provided by resolution duly authorized by the authority and shall be reimbursed for their transportation, travel and other expenses incurred in attending meetings of the authority or the board or otherwise in the performance of their duties as members or officers of the authority. Reasonable compensation and expense allowances for members or officers of the authority may from time to time be altered or provided for by legislative act. No member of the authority shall vote on any matter coming before the authority in which he, his immediate family or any business enterprise with which he is associated has any direct pecuniary interest; provided, however, that when any such matter is brought before the authority, if a member having an interest therein discloses to the authority any direct pecuniary interest he has personally or through family connections or business associations and thereafter withdraws from participation in the decision and vote of the authority with respect to such matter, then such member, his family or any business enterprise with which he is associated shall not be disqualified by the authority in any such matter, including, without limitation, matters involving contracting with individuals or firms to perform professional services. No member, officer or employee of the authority or the board shall be personally liable for any debt, obligation or liability of the authority, the board or the state.

III

The authority shall be authorized:

a. To investigate and select an available site for its operations and housing the exhibits, including the surrounding grounds, in cooperation with the community, taking into consideration all pertinent factors affecting the suitability of such site;

b. To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge any available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;

c. To enter into such contracts and cooperative agreements with the local, state and federal governments, with agencies of such governments, including the Tennessee Valley Authority, with private individuals, corporations, associations and other organizations as it may deem necessary or convenient to carry out the purposes of this amendment, such contracts and agreements to include leases to private industry;

d. To borrow money from private sources or such other source as may be acceptable to the authority under such terms and conditions as may be provided by resolution duly adopted by the authority and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may, from time to time, be necessary or desirable.

e. To issue and sell at any time, and from time to time, its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain any facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable out of the revenues derived from such facility and as otherwise herein provided.

f. To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the authority from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

g. To accept public or private gifts, grants and donations;

h. To acquire property by purchase, lease, gift or license;

i. To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this amendment, and to transfer funds from the board to the authority or from the authority to the board;

j. To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

k. To perform such other acts necessary or incidental to the accomplishment of the purposes of this amendment, whether or not specifically authorized in this amendment, and not otherwise prohibited by law.

IV

In view of the unique character and complexity of the duties and responsibilities imposed on the authority by this amendment, it is hereby specifically provided that the authority shall have, in addition to the power and the authority enumerated in part III of this amendment the right, power and authority to:

a. Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this amendment, said program of promotion and advertising to be conducted by the authority both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by it;

b. Purchase and acquire items of tangible or intangible personal property;

c. Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the authority, any such lease agreement to be designated so as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the authority.

V

The authority and the board, the property and income of the authority and the board, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority or the board, and leases, mortgages and deeds of trust or trust indentures by or to the authority or the board shall be exempt from all taxation in the state of Alabama. The authority and the board shall be exempt from all taxes levied by any county, incorporated city or town, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the authority or the board may engage. The authority and the board shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county of the state in respect of the recording of any document.

The authority and the board shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as amended, and the authority

and the board shall not be governed by the provisions of Chapter 20 of Title 41 of the Code of Alabama of 1975, as amended (or any successor provisions of law). The authority and the board are arms of the state, existing to carry forth important functions of the state government, and as such they constitute part of the state for purposes of Art. I, Section 14 of the Constitution of 1901, as amended, and the members and officers of the authority and the board are state officers for purposes of said Section 14 of the Constitution whose duties and functions are discretionary in nature. No proceeding, notice or approval shall be required for the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the authority.

The members, the officers and employees of the authority and the board shall not be subject to the provisions of Chapter 25 of Title 36 of the Code of Alabama 1975, as amended, or to the rules and promulgations by the Alabama ethics commission or to Chapter 7 of Title 36 of the Code of Alabama 1975, as amended (or any successor provisions of law). All contracts and leases made by the authority or the board shall be exempt from the laws of the state now or hereafter in effect that require competitive bids, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of the Code of Alabama 1975, as amended.

Any bonds of the authority may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the authority in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the authority under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of such series and the last of which installments shall mature not later than thirty years after the date of the bonds of the same series.

The bonds shall be signed in the name of the authority by its chairman and the great seal of the state of Alabama, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of the authority; provided that facsimile signatures of said officers may be reproduced on such bonds in lieu of their manually signing the same.

The provisions of this amendment shall be self-executing and no further authorization from the legislature shall be a prerequisite to the validity of any bonds issued hereunder, although the legislature may enact appropriate implementing laws, whether before or after the effective date of this amendment, which are not in conflict herewith.

VII

The state is authorized to pay from any of its revenues of whatsoever nature and make available to the authority at any time and from time to time such sums as the authority determines are necessary for the prompt and faithful payment of the principal, the interest and premium (if any) on the bonds of the authority in the event the authority determines that appropriations by the legislature and other revenues of the authority (including bond proceeds) remaining after the payment of operating and other expenses are insufficient for the payment of said principal, interest and premium.

VIII

The provisions of this amendment shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the authority and the board and for the management and control of displays by such means as may be determined to be feasible and agreed upon by the authority and the board.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

CONSTITUTIONAL AMENDMENT

Passed the Senate July 16th, 1987 as amended.

Passed the House July 17th, 1987.

Act No. 87-408 H. 325—Rep. Starkey

AN ACT

To amend Section 32-5A-171, Code of Alabama 1975, which relates to the maximum speed limit of motor vehicles, so as to provide for an increase in the maximum speed limit on certain portions of the Interstate System and to provide for the marking of trucks and maximum speed limit of trucks transporting explosives, flammable liquids or hazardous wastes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-5A-171 of the Code of Alabama 1975, is hereby amended to read as follows:

"§32-5A-171.

"Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

"(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

(2) No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision (5).

(3) No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of fifty thousand population or more or in excess of 65 miles per hour outside such urban areas unless a different maximum rate of speed is permitted or allowed by the Federal Highway Administration, or unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision (5) hereof.

(4) Not withstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck or passenger bus which carries or transports explosives or flammable

liquids, as defined in Section 32-1-1.1, Code of Alabama 1975, or hazardous wastes, as defined in Section 22-30-3(5), Code of Alabama 1975, in this state unless the vehicle, truck or bus prominently displays a current decal, plate or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck or bus is carrying or transporting such substances. No person shall operate such vehicle, truck or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision (5).

"(5) The governor is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

"(6) The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32-5A-173."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 20, 1987

Time: 4:50 P.M.

Act No. 87-409 H. 786—Rep. Black

AN ACT

Relating to Sumter County; amending Section 2 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), relating to levying a fee on all hazardous and nonhazardous waste deposited, or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama, so as to provide that the fee levied shall include all hazardous and nonhazardous material that is treated or buried permanently at site or that remains at the site for a reasonable length of time, and to specifically repeal Section 8 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), relating to referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), is hereby amended to read as follows:

"Section 2. Any person or party who stores, deposits or dumps any hazardous waste or nonhazardous waste at Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama, shall pay two dollars ($2.00) per drum or five dollars ($5.00) per ton bulk weight. It is the intent of this law to cover only hazardous and

nonhazardous material that is treated or buried permanently at site or that remains at the site for a reasonable length of time."

Section 2. Section 8 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), relating to referendum, is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:30 P.M.

Act No. 87-410 H. 250—Rep. Campbell

AN ACT

To amend Sections 7-9-307, 7-9-402, 7-9-403, 7-9-404, and 7-9-407, Code of Alabama, 1975, to create the Uniform Commercial Code and Farm Products Central Index System Fund, to provide for fees relating to farm products and Uniform Commercial Code, to increase the amendatory statement filing fee, to increase the uniform fee for filing an original financing statement so as to include the termination fee, to discontinue the uniform fee for filing and indexing a termination statement for original financing statements filed after October 1, 1987, to empower the Secretary of State to set fees and charge for distributing microfilm reels containing copies of effective financing statements, to empower the Secretary of State to charge a fee for monthly partial listings of the master list of farm products registrants, and to increase the fee for a search certificate, and authorizes the Secretary of State to promulgate regulations and set reasonable fees related to implementation of a central index system and to conduct user and public training relating to the Uniform Commercial Code and Farm Products Central Index System Program.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 7-9-307, 7-9-402, 7-9-403, 7-9-404 and 7-9-407, Code of Alabama 1975, are hereby amended to read as follows:

§7-9-307.

"(1) A buyer in ordinary course of business (subsection (9) of Section 7-1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

"(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for a value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

"(3) A buyer of goods other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment enters into without knowledge of the purchase and before the expiration of the 45-day period.

"(4) A secured party may enforce a security interest in farm products from, or a commission merchant or selling agent who, in the ordinary course of business, sells farm products for a person engaged in farming operations only where the secured party has signed and filed with the Secretary of State a form containing the following information:

"(a) the name and address of the borrower;

"(b) the borrower's signature;

"(c) the name and address of the secured party;

"(d) the social security number of the borrower, or in the case of a borrower doing business other than as an individual, the borrower's Internal Revenue Service taxpaper indentification number;

"(e) a description of the farm products subject to the security interest including the amount of such products (where applicable);

"(f) a reasonable description of the real estate (including county) where the farm products are located.

(g) a stockyard buyer or seller is exempt from this act provided this exemption does not disqualify certification of this act by the U. S. Department of Agriculture. If this exemption does disqualify this act for certification by the U. S. Department of Agriculture, this particular subdivision (g) shall be null and void and shall not affect any other parts of this law.

"(5) The form described in subsection (4) must be amended in writing within three months, and similarly signed and filed, to reflect material changes. The effectiveness and continuation of the form is to be treated as if it were a financing statement. The fee for filing the amendatory documents is $5.00 for the first page and $1.00 for each additional page if the statement is in the standard form prescribed by the Secretary of State and an additional $2.00 for each statement if not in the standard form. The uniform fee for each name more than one required to be indexed shall be $1.00. The secured party may at his option show a trade name for any person and an extra uniform indexing fee of $1.00 shall be paid with respect thereto.

"(6) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement relating to farm products shall be $10.00 for the first page and $1.00 per page for each additional page if the statement is in the standard form prescribed the Secretary of State and an additional $2.00 for each statement if not in the standard form. The uniform fee for each name more than one required to be indexed shall be $1.00. The secured party may at his option show a trade name for any person and an extra uniform indexing fee of $1.00 shall be paid with respect thereto. The cost of filing the forms described in subsection (4), with the Secretary of State, shall not be charged or assessed to the borrower."

"(7) There is hereby created in the state treasury a fund to be known and designated as the Uniform Commercial Code and Farm Products Central Index System Fund. All funds, fees, charges, costs and collections accruing to or collected by the office of the Secretary of State under the provisions of Sections 7-9-307, 7-9-402, 7-9-403, 7-9-404, 7-9-407, Code of Alabama, 1975, or any fees collected in relation to uniform fees for filing an original financing statement or effective financing statements for farm products shall be deposited into the state treasury to the credit of the Uniform Commercial Code and Farm Products Central Index System Fund except as provided in section (9).

"(8) All funds now or hereafter deposited in the state treasury to the credit of the Uniform Commercial Code and Farm Products Central Index System Fund shall be expended for the purpose of carrying out the provisions of the law authorizing the collection of such funds and shall be payable from said fund on the requisition of the Secretary of State; provided, however, that no funds shall be withdrawn nor expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41 of the Code of Alabama, 1975, and only in the amounts and for the purposes provided by the legislature in the general appropriations bill.

"(9) Funds collected in accordance with the Uniform Commercial Code and Farm Products Central Index System provided in Sections 7-9-307, 7-9-402, 7-9-403, 7-9-404 and 7-9-407, Code of Alabama, 1975 or any other fees collected in direct relation to the Uniform Commercial Code or Farm Products Central Index System during the fiscal year shall be deposited to the credit of the state general fund by the following percentages:

(a) Fiscal Year 1987-88- 57.0% of total collections for fiscal year 1987-88.

(b) Fiscal Year 1988-89- 65.0% of total collections for fiscal year 1988-89.

(c) Fiscal Year 1989-90- 66.0% of total collections for fiscal year 1989-90.

(d) Fiscal Year 1990-91- 68.0% of total collections for fiscal year 1990-91.

(e) Fiscal Year 1991-92 and each fiscal year thereafter 81.0% of total collections for that fiscal year.

§7-9-402.

"(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or crops growing or to be grown, or when the financing statement is filed as a fixture filing (section 7-9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a signed security agreement or a signed financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

"(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in:

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) Proceeds under section 7-9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) Collateral as to which the filing has lapsed; or

(d) Collateral acquired after a change of name; identity or corporate structure of the debtor (subsection 7).

"(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) .....

Address .....

Name of secured party (or assignee) .....

Address .....

1. This financing statement covers the following types (or items) of property:

(Describe) .....

2. (If collateral is crops) The above-described crops are growing or are to be grown on:

(Describe real estate) .....

(If the debtor does not have an interest of record in the real estate) The name of a record owner of the above-described real estate is:

(Name record owner) .....

This financing statement is to be cross-indexed in the real estate mortgage records.

3. (If collateral is goods which are or are to become fixtures) The above-described goods are or are to become fixtures on:

(Describe real estate) .....

(If the debtor does not have an interest of record in the real estate) The name of a record owner of the above-described real estate is:

(Name record owner) .....

This financing statement is to be cross-indexed in the real estate mortgage records.

4. (If collateral is timber to be cut) The above-described collateral is standing on:

(Describe real estate) .....

(If the debtor does not have an interest of record in the real estate) The name of a record owner of the above-described real estate is:

(Name record owner) .....

This financing statement is to be cross-indexed in the real estate mortgage records.

5. (If products of collateral are claimed) Products of the collateral are also covered.

Signature of debtor (or assignor) .....

Signature of secured party (or assignee) .....

(Use whichever is applicable)

"(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party which identifies the financing statement by file number. The uniform fee for filing and indexing an amendment shall be $5.00 for the first page and $1.00 per page for each additional page if the amendment is in the standard form prescribed by the secretary of state and an additional $2.00 if not in the standard form, plus in each case an additional fee of $1.00 for each name more than one against which the amendment is required to be indexed. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

"(5) A financing statement covering timber to be cut or covering crops growing or to be grown, or a financing statement filed as a fixture filing (section 7-9-313) where the debtor is not a utility, must show that it covers this type of collateral, must show that it is to be cross-indexed in the real estate mortgage records and must contain a description of the real estate. If the debtor does not have an interest of record in the real estate, the financing statement must also show the name of a record owner.

"(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

"(7) The name of the debtor in the financing statement shall be the individual, partnership or corporate name of the debtor, regardless of trade names or the names of partners. The secured party may at his option add trade names and obtain additional indexing under such names (subsections (4) and (5) of section 7-9-403). Where the debtor so changes his name or, in the case of an organization, its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the

debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of the transfer.

"(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

§7-9-403.

"(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

"(2) Except as provided in subsection (6), a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five-year period, whichever occurs later; but when the five-year period expires before the expiration of the 60-day period, the security interest remains continuously perfected beyond the 60-day period only if a continuation statement is filed before expiration of the five-year period or a new financing statement is filed between the time of expiration of the five-year period and expiration of the 60-day period. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

"(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 7-9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless

another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it. Microfilm or other photographic records may be removed and destroyed after five years after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

"(4) The filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and such trade names as are shown (subsection (7) of section 7-9-402) and shall note in the index the file number and the address of the debtor given in the statement.

"(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement which includes filing and indexing a termination statement and for stamping a copy furnished by the secured party to show the date and place of filing thereof, or for a continuation statement shall be $10.00 for the first page and $1.00 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional $2.00 for each statement if not in the standard form, plus in each case, if the financing statement is subject to subsection (5) of section 7-9-402, $1.00. The uniform fee for each name more than one required to be indexed shall be $1.00. The secured party may at his option show a trade name for any person and an extra uniform indexing fee of $1.00 shall be paid with respect thereto.

"(6) If the debtor is a utility (subsection (5) of section 7-9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 7-9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate. A financing statement covering a mobile home, other than a mobile home constituting inventory, remains effective, if it so states, until a termination statement is filed.

"(7) When a financing statement covers timber to be cut or crops growing or to be grown, or is filed as a fixture filing, the filing

officer shall, in addition to indexing it in the ordinary manner prescribed in subsection (4) of this section, index it in the real estate mortgage records under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, then also under the name of the secured party as if he were the mortgagee thereunder, and where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described."

§7-9-404.

"(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by the file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with subsection (2) of section 7-9-405, including payment of the required fee. If the affected secured party fails to send such termination statement within 10 days after proper demand therefor he shall be liable to the debtor for $100.00, and in addition for any loss caused to the debtor by such failure.

"(2) On presentation to the filing officer of such a termination statement he must index it with the financing statement. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment, statement of release and termination statement, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after the financing statement would have lapsed under section 7-9-403(2). Microfilm or other photographic records may be removed and destroyed after five years after the financing statement would have lapsed under section 7-9-403(2).

"(3) The uniform fee for filing and indexing a termination statement for those original financing statements filed prior to October 1, 1987 and for stamping a copy furnished by the secured party to show the date and place of filing thereof shall be $5.00 for the first page and $1.00 for each additional page if the statement is in the

standard form prescribed by the secretary of state and an additional $2.00 if not in the standard form. There shall be no charge to terminate an original financing statement which is originally filed after October 1, 1987."

§7-9-407.

"(1) If the person filing any financing statement, termination statement, statement of assignment or statement of release furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

"(2) Upon request of any person and upon payment of the uniform fee, the filing officer may issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be $5.00, plus $1.00 for each financing statement and for each statement of assignment reported therein. Upon request the filing officer may furnish a copy of any filed financing statement or statement of assignment for a uniform fee of $1.00 per page. An additional fee of $2.00 shall be charged for each request not made on the standard form prescribed by the secretary of state. The filing officer may distribute microimaged portions of the U.C.C. files for a fee of $50.00.

"(3) The secretary of state shall develop and implement a central indexing system containing the information filed with his office pursuant to §7-9-307(4). Under this system the secretary shall record the date and time of filing and compile the information into a master list organized according to farm products. The list shall be organized within each farm product category in alphabetical order according to the last name of the borrower (or, in the case of borrowers doing business other than as individuals, the first word in the name of such borrower), in numerical order according to the social security or taxpayer identification number of the borrower, geographically by county, and by crop year. The master list shall also contain the name and address of the secured party, the name and address of the borrower, a description of the farm products (including amount where applicable) subject to the security interest and a reasonable description of the real estate, including the county, where the farm products are located.

"(4) The secretary of state shall maintain a list of all buyers of farm products, commission merchants, and selling agents who register

with the secretary of state indicating and interest in receiving the lists described in subsection (5).

"(5) The secretary of state shall distribute on such regular intervals as determined by him, to each buyer, commission merchant and selling agent registered under subsection (4) a copy in written or printed form of those portions of the master list which the buyer, commission merchant or selling agent has indicated an interest in receiving. The charge for a printed copy of the entire master list and any supplements to that list shall be $25.00 annually. The charge for receiving a portion of the master list on microfiche shall be $15.00 annually.

"(6) Upon the request of any person the secretary of state shall provide, within 24 hours, an oral confirmation of the filing of the form described in §7-9-307(4) followed by a written confirmation. The fee for confirming an oral search shall be $5.00 plus $1.00 for each financing statement and for each statement of assignment reported therein."

Section 2. The Secretary of State is authorized to promulgate regulations and set reasonable fees which have not been delineated in this act in order to implement a central filing system which conforms with the requirements of Section 1324 of the Federal Food Security Act of 1985 as now enacted or as hereafter amended. Such regulations and fees shall be adopted in accordance with the Administrative Procedures Act. The Secretary of State also is authorized to conduct user and public training relating to the Uniform Commercial Code and Farm Products Central Index System Program and is entitled to expenses as authorized in the General Appropriations Act.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective October 1, 1987.

Approved July 21, 1987

Time: 3:31 P.M.

Act No. 87-411 H. 551—Rep. Butler

AN ACT

To allow the City of Madison in Madison County to establish historic districts.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Madison in Madison County is hereby granted full power and authority to provide for and establish, by written ordinance, historic preservation districts within said municipality.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:33 P.M.

Act No. 87-412 H. 413—Rep. Junkins

AN ACT

To amend Section 32-8-61 Code of Alabama 1975 in order to provide that delivery to the Department of Revenue of the existing certificate of title, an application for a certificate of title and the required fee shall be made within twenty days in order for the security interest to be perfected as of the time of its creation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-8-61 Code of Alabama 1975 is amended so as to read as follows:

(a) Unless excepted by this section, a security interest in a vehicle for which a certificate of title is required by the terms of this chapter is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this article.

(b) A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee. It is perfected as of the time of its creation if the delivery is completed within 20 days thereafter, otherwise, as of the time of the delivery.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:34 P.M.

Act No. 87-413 H. 242—Rep. Cosby

AN ACT

To amend Section 16-4-15 of the Code of Alabama, 1975, to permit the state superintendent of education to delay the taking of a school census for a period of 10 years.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-4-15 of the Code of Alabama, 1975, is amended as follows:

a) The state superintendent of education shall prepare, or cause to be prepared, and submit for approval and adoption by the state board of education rules and regulations for the taking of a decennial school census of all children in the state between six and 19 years of age, also the forms and blanks to be employed in taking such census and in compiling the reports thereon. The next school census shall be taken in 1998 and every 10 years thereafter, and the state superintendent of education may cause the whole or any part of the school census of any county or of any city to be retaken at any time, if, in the judgment of the state superintendent of education, the whole or any part of the census has not been properly taken.

b) Should a constitutional amendment removing the requirements of the school census be ratified by the people, the provisions of this section thereby shall be automatically repealed without further action required of the legislature.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:35 P.M.

Act No. 87-414 H. 155—Rep. Marietta

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided

in Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975; with certain modifications; to amend Sections 34-11-11 and 34-11-13, so as to provide further for the disciplinary actions of the board and to provide further for the civil appeal procedure for actions of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties and recommends the continuance of the Board of Registration for Professional Engineers and Land Surveyors created and functioning pursuant to Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 3 hereof.

Section 2. The existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors, created pursuant to Section 34-11-30, specifically, and Sections 34-11-1 through 34-11-37, generally, of the Code of Alabama 1975 are hereby continued, and such Code sections are hereby expressly continued.

Section 3. Sections 34-11-11 and 34-11-13 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-11-11.

"(a) The board shall have the power to censure, place on probation and/or fine any registrant or certificated engineer-in-training or corporation, partnership or firm holding a certificate of authorization and to suspend, refuse to renew and/or revoke the certificate of any registrant or certificated engineer-in-training or the certificate of authorization of a corporation, partnership or firm found guilty of:

"(1) The practice of any fraud or deceit in obtaining a certificate;

"(2) Any gross negligence, incompetency, violation of the rules of professional conduct (code of ethics) prescribed by the board or any amendment thereof or misconduct in the practice of engineering or land surveying as a professional engineer, engineer-in-training or professional land surveyor;

"(3) Falsely representing himself as being in responsible charge of engineering work or land surveying; or

"(4) Permitting his seal, or facsimile thereof, to be used by another.

"(b) Furthermore, the board shall have the power to impose any or all of the disciplinary penalties set forth in this section against

a corporation, partnership or firm holding a certificate of authorization, when any one or more of the agents, employees, officers, partners, or owners of said corporation, partnership or firm, registered or non-registered, have committed any act, or have been guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties set forth in this section. Provided, however, that such acts or conduct by such persons must have been related to the practice of or offer to practice of engineering or land surveying by said corporation, partnership or firm and that such acts or conduct must have been performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner or owner of such corporation, partnership or firm.

"(c) Any person may prefer charges of violation of this section against any individual registrant, certificated engineer-in-training or corporation, partnership or firm holding a certificate of authorization. Such charges shall be in writing and shall be sworn to by the person making them, either upon actual knowledge or upon information and belief, and shall be filed with the secretary of the board.

"(d) The board is empowered to designate a person or persons to investigate and report to it on any matter related to its lawful duties and may employ such legal counsel as the board may deem necessary or desirable.

"(e) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time, but not more than six months after the date on which such charges were preferred.

"(f) The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such individual registrant, certificated engineer-in-training or corporation, partnership or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual registrant, certificated engineer-in-training or corporation, partnership or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him or it, and to produce evidence and witnesses in his or its own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

"(g) If after such hearing three or more members of the board vote in favor of finding the accused guilty, the board shall impose one or more of the disciplinary penalties set forth in this section.

Provided, however, that any fine imposed may not exceed two thousand dollars ($2,000) for each count or separate offense. The written decision of the board shall be delivered personally to the accused or sent by certified mail, return receipt requested, to the last known address of the accused.

"(h) If disciplinary action from such a hearing results in imposing a fine against a registrant, certificated engineer-in-training, or certificated corporation, partnership or firm, the board shall not renew the annual certificate for this registrant, certificated engineer-in-training or certificated corporation, partnership or firm until such fine is paid in full. In the event that the fine is subsequently set aside on judicial review, as provided in the Alabama Administrative Procedure Act, the registrant, certificated engineer-in-training or corporation, partnership or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

"(i) The board shall revoke the certificate of any registrant or certificated engineer-in-training who has been:

"(1) Declared non compos mentis by a court of competent jurisdiction; or

"(2) Convicted of a crime involving moral turpitude.

"§ 34-11-13.

"Any person, corporation, partnership or firm who shall feel aggrieved by the denial of a certificate by the board or by any disciplinary action by the board taken pursuant to section 34-11-11 may appeal therefrom within 30 days to the circuit court of Montgomery county, Alabama, exclusively, notwithstanding the provisions of the Alabama Administrative Procedure Act; and only after the filing of the notice of appeal, shall judicial review be as provided for in the Alabama Administrative Procedure Act."

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:36 P.M.

Act No. 87-415 H. 737—Rep. Mathis

AN ACT

Relating to Geneva County; authorizing the Geneva County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; prescribing misdemeanor violations against those who contravene the provisions of this act; and repealing Act No. 85-433, H. 711 Regular Session 1985 (Acts 1985, p. 399) providing for the Geneva County Commission to levy an additional county privilege, license and excise tax on the sale, distribution, storage, use or consumption of tobacco and certain tobacco products; the collection, enforcement and distribution of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. The Geneva County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Geneva County a county privilege, license or tax in the following amounts:

(a) Five cents ($0.05) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Two cents ($0.02) for each cigar of any description made of tobacco or any substitute therefor, with the exception of the cigarette sized or near cigarette sized cigars which may be taxed at the same rate as cigarettes under paragraph (a) above.

(c) Two cents ($0.02) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which are prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Three cents ($0.03) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Three cents ($0.03) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other federal, state or local taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes,

cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. (a) Upon adoption of a resolution by the Geneva County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose in Geneva County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products.

Section 3. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Geneva County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a violation, and upon conviction shall be fined not more than one hundred dollars ($100.00) or imprisoned in the county jail for not more than sixty days or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 4. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 5. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate

the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 6. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully set out herein.

Section 7. The proceeds from the tax hereby authorized, less the actual cost of collection not to exceed five per centum (5%) shall be paid by the state department of revenue to the Geneva County Commission to be used for the purposes of fire protection in Geneva County; and more specifically, for the benefit of those volunteer fire departments being certified by the Forestry Commission of the state of Alabama or any association or group composed of such volunteer departments certified by the Forestry Commission. These funds shall be payable on a quarterly or monthly basis and will be expended solely for purposes of fire protection, prevention, fire safety, education, and in order to encourage a strong volunteer fire fighters net work in Geneva County, Alabama.

Section 8. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. Act No. 85-433, H. 711 Regular Session 1985 (Acts 1985, p. 399) is hereby specifically repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:37 P.M.

Act No. 87-416 H. 880—Reps. Haynes and Johnson (RG)

AN ACT

To fix the fee for the issuance of pistol permits in Talladega County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement Fund

and provide for the use of such fund and to provide that the provisions hereof shall be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. In Talladega County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be $10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under section 1 of this act shall be deposited by the sheriff of Talladega County in any bank located in Talladega County selected by the sheriff, into a fund known as the Sheriffs Law Enforcement Fund.

Section 3. The Sheriffs Law Enforcement Fund as provided in section 2 of this act shall be drawn upon by the sheriff of Talladega County or his appointed agent and shall be exclusively for law enforcement purposes in the public's interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. The establishment of the Sheriffs Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other inbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this act shall be retroactive to January 19, 1987, and all actions taken by the sheriff in accordance with the provisions of this act are hereby validated and confirmed.

Approved July 21, 1987

Time: 3:38 P.M.

Act No. 87-417 H. 872—Rep. Hammett

AN ACT

Relating to Covington County; amending Act No. 86-703, S. 17, 1986 1st Special Session, which authorizes the county commission to levy a sales tax, so as to merely alter the distribution of the proceeds from the tax and in no way affect the amount of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 86-703, S. 17, 1986 1st Special Session, is hereby amended to read as follows:

"Section 8. The state department of revenue shall charge the county for collecting the sale tax levied under this act such amount of percentage of total collections as may be agreed upon by the commissioner of revenue and the county commission, but such charge shall not, in any event, exceed five percent of the total amount of the sale tax collected in said county under this act. Such charge for collecting such sale tax may be deducted each month from the gross revenues from such sale tax before certification of the amount of the proceeds thereof due the county for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such a tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder), the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of the county during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of the county during each month the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Covington County in his official capacity in an amount equal to the amount so certified by the commissioner of revenue as having been collected for use of the county. All revenues arising from the taxes herein authorized to be levied shall only be allocated and used for the following purposes: 39.92% to the county roads and bridges fund for roads and bridges maintenance; 12.78% to the county roads and bridges fund for new construction pavement program; 13.34% to the construction of a county wide water system; 19.17% to the county general fund; 4.79% for equipment replacement program (road and bridge, sheriff department); 2.5% to Lurleen B. Wallace State Junior College; 2.5% to Douglas McArthur State Technical College and 5% to the Covington County school system.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:39 P.M.

Act No. 87-418 H. 871—Reps. Johnson (RG) and Haynes

AN ACT

Relating to Talladega County; authorizing and establishing a court of record in Sylacauga, Talladega County, to conduct circuit court proceedings in the branch courthouse at Sylacauga in said county and providing for a referendum on the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby authorized and established a court of record in the branch courthouse in Sylacauga, Talladega County, and said court of record is hereby authorized to conduct circuit court proceedings in such branch courthouse.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Talladega County who vote thereon at a referendum election held for such purpose. Said election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution and elections for other county officers and shall be held on the same day as any countywide election held in Talladega County, next following final passage of this act. Notice of the election shall be given by the judge of probate of Talladega County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law authorizing a court of record in the branch courthouse in Sylacauga, Talladega County, and authorizing such court to conduct circuit court proceedings in the branch courthouse in Sylacauga, Talladega County? Yes ( ) No ( )." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Talladega County shall certify the results of the election to the secretary of state immediately after the returns have been certified.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:40 P.M.

Act No. 87-419 H. 870—Reps. Johnson (RG) and Haynes

AN ACT

Relating to Talladega County; to exempt from all county or local ad valorem taxes all property owned and used by the Amvets of Alabama, Club Post 25.

Be It Enacted by the Legislature of Alabama:

Section 1. All property owned by the Amvets of Alabama, Club Post 25 in Talladega, Alabama, and used by said organization is hereby exempted from all county or local ad valorem taxation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:41 P.M.

Act No. 87-420 H. 850—Rep. Faulk

AN ACT

Relating to Crenshaw County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer and providing for vacancies in said office; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Crenshaw County; and providing for the permissive power of the county commission to adopt the county unit system by passing a resolution to such effect and upon the passage of such resolution by the county commission, the chairman shall notify the secretary of state and the state highway director of the adoption of the county unit system in Crenshaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Crenshaw County Commission, or any succeeding county governing body performing the functions of the county

governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Crenshaw County public roads, highways, bridges and ferries, and shall, during his employment, reside in Crenshaw County, Alabama.

Section 2. Said county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to said board the state highway director shall be requested to make additional nominations. Should the state highway director refuse, or fail to make nominations, the county commission may fill the position of county engineer with any person who has the qualifications herein set out.

Section 3. It shall be the duty of the said county engineer, (1) to employ, supervise and direct all such assistants as are necessary properly to maintain and construct the public roads, highways, bridges, and ferries of Crenshaw County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the county commission; (5) it shall be his further duty, insofar as is feasible to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Crenshaw County.

Section 5. It shall be the duty of the board to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, and ferries, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The board shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the road and highway funds of Crenshaw County.

Section 7. Before entering upon his duties, the said county engineer shall make and enter into a surety bond in the amount of five thousand dollars ($5,000.00) payable to Crenshaw County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said county, which may come into his possession or custody. Said bond shall be executed by a surety company authorized and qualified to do business in Alabama, and be approved by the board. The premiums thereon shall be paid by the county.

Section 8. The board shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this act.

Section 9. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Crenshaw County, and he shall be accountable for the same, at all times. The board shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on files in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Crenshaw County.

Section 10. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges, and ferries of Crenshaw County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year or not later than the first meeting in October following by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Crenshaw County for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Crenshaw County during said period; provided however, that said board is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the Budget Act, Section 11-8-3 of the Code of Alabama 1975. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present Crenshaw County commission, immediately upon the passage and approval of this act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said

funds for the maintenance of said roads, bridges, and ferries until the meeting in September or October 1987, as hereinabove provided for.

Section 11. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges and ferries of Crenshaw County. Said requisitions shall be filed and presented by the chairman to the county commission at its next meeting, for the approval of the board. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole board if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 12. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies, purchased by Crenshaw County for use on public roads, bridges, and ferries, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 13. In the event an emergency should arise, in which it would be impossible for the county commission to employ an engineer, as hereinabove provided for, then, in that event the county commission shall employ a competent road supervisor who need not be an engineer, but, when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this act; but an emergency shall not exist so long as the state highway director can nominate an engineer who will accept employment by said board under the terms of this act, it being the intention of this act to provide that, when county roads are to be maintained or constructed in said county, the supervision thereof shall be either under a county engineer, as hereinabove provided for, or, by a road supervisor, who is not a member of the county commission.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This act shall become effective upon the passage of a resolution by the Crenshaw County commission adopting the county unit system provided for in this act.

Approved July 21, 1987

Time: 3:42 P.M.

Act No. 87-421 H. 509—Rep. McDowell

AN ACT

To provide for the appointment of a Chief Deputy Tax Assessor by the Elected Jefferson County Tax Assessor and by the Elected Jefferson County Assistant Tax Assessor, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Elected Jefferson County Tax Assessor and the Elected Jefferson County Assistant Tax Assessor, Bessemer Division, are empowered to each appoint one person to serve as Chief Deputy. Said appointees shall be residents of their respective divisions of the county at the time of their appointment and so long as they hold the positions of Chief Deputy.

Section 2. Said Chief Deputies shall present documentary proof of a minimum of five years experience in cadastre prior to their appointment, and shall hold certification by the State of Alabama as a Tax Administrator, or, shall achieve such certification within three years of appointment. If the Alabama Certification as Tax Administrator should cease to be available, appointees shall obtain comparable evidence of technical proficiency as may be required by the Appointing Authority.

Section 3. Said Chief Deputies shall be compensated at a rate equal to Jefferson County Merit System Class Thirty, however, in no event shall such compensation exceed ninety percent of the compensation received by the Appointing Authority. Funding for said Chief Deputies shall be prorated on the same basis as is provided for appointing officials, and compensation shall be paid in equal biweekly installments out of the County General Fund.

Section 4. Said Chief Deputies shall receive any and all benefits that are received by Merit System Employees, including longevity payments, and if they are Merit System Employees at the time of their appointment, they may return to the Merit System upon termination of their appointment as provided in Act 80-730.

Section 5. All laws and parts of laws that are in conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared unconstitutional, such declaration shall not affect the parts that remain.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law. Provided further, however, that none of the provisions of this Act shall become effective until the County Commission of Jefferson County has adopted a resolution granting an across-the-board pay increase to all Jefferson County employees except elected officials.

Approved July 21, 1987

Time: 3:43 P.M.

Act No. 87-422 H. 877—Rep. Carter

AN ACT

Relating to Limestone County; authorizing the Limestone County Commission to pay for the reasonable charges of physical examinations, for prospective employees, from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The Limestone County Commission is authorized to pay for the reasonable charges of physical examinations, for prospective employees, from the funds of the county treasury, and to establish any procedures, from time to time, necessary to administer the provisions of this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:44 P.M.

Act No. 87-423 H. 882—Reps. Haynes and Johnson (RG)

AN ACT

Relating to the City of Talladega, establishing a civil service system, to provide for exempt and classified services and certain exemptions, to establish a civil service

board and provide for the appointment, term, qualifications, powers, restrictions, procedure, rules and expenses of board members, to provide for the establishment of a register, filling of vacancies, disciplinary action, complaints by private citizens, political and employee organization activities, transitional period, acts prohibited and criminal penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Applicability. This act shall apply only to the City of Talladega.

Section 2. Definitions. The words, terms, and phrases defined below shall have the meanings assigned herein in, this act:

(a) Appointing Authority, means the officer, board, commission, person or group of persons empowered to appoint or remove employees, notwithstanding the fact that any such appointment might require the approval of an additional authority.

(b) Board, means the Civil Service Board of the City of Talladega.

(c) City, means the City of Talladega, Alabama.

(d) City Council, means the City Council of the City of Talladega, Alabama.

(e) Classification, means a position or group of positions that involve similar duties and responsibilities and require similar qualifications and are designed by a single title indicative of the kind of work.

(f) Governing Body, means the Mayor and City Council of the City or any governing authority which is a successor thereto.

Section 3. Division Into Exempt and Classified Services. All offices and positions of the city shall be divided into the exempt service and the classified service. The exempt service shall include: all publicly elective offices; the positions of voluntary personnel and personnel appointed to serve without pay; the positions of consultants and professional persons rendering temporary professional employment; all positions of attorneys rendering legal service; all positions held by members of boards and commissions of the city, whether or not a salary is paid for such position; and the office of city judge. The classified service shall include all offices and positions and employees of the city and of all its boards and commissions not specifically excluded herein.

Section 4. Exemption. The city board of education, and all offices and positions of such board, including all employees thereof, are exempted from the provisions of this act, except that members of the board shall be included in the exempt service.

Section 5. Merit Principle. All appointments and promotions within the classified service shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. All appointments and promotions, in both the exempt and classified services shall be made without regard to sex, race, religion or political affiliation.

Section 6. Civil Service Board. (a) There is hereby created the Civil Service Board of the City of Talladega which shall be composed of five members to be selected as follows: one member shall be elected by the city council to serve for a term of six years; one member shall be elected by the city council to serve for a term of four years; one member shall be elected by members of the classified service to serve a term of four years; one member shall be elected by members of the classified service to serve for a term of two years; one member shall be appointed by the four members elected by the city council and by members of the classified service to serve a term of two years. Each member so elected or appointed thereafter shall serve for a term of six years, or until their successor is selected and takes office.

Only persons over 25 years of age who are qualified resident electors of the city shall be selected to the board. Vacancies shall be filled for the unexpired term by the selecting authority in the same manner as the original appointments. The starting date of each original appointment shall be the date this act becomes effective.

(b) There shall be an employee committee composed of each department head or his designee. Such employee committee shall conduct the elections by members of the classified service of members of the civil service board. Such employee committee also shall advise and consult with the civil service board, the city council and the mayor of the city on all matters concerning the classified service of the city, including all proposed changes in civil service rules and regulations.

(c) The board shall elect from its members a chairman, a vice chairman, and a secretary. The board shall meet as often as may be necessary to effectuate the purpose of this act, but the board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at anytime. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

(d) No member of the board shall hold any office of profit under the city, the county, or the State of Alabama. Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Any member of the board who becomes a candidate for, or is appointed or elected to another public office vacates his office as a member of the board.

Section 7. Expenses of the Board. The city governing body shall provide the board telephone service, office supplies and stationery, clerical assistance, and an office in the city hall, which shall be suitably equipped and furnished for the needs of the board. Members of the board shall receive no compensation. In addition to assistance provided by the city governing body, members of the board shall be reimbursed for any reasonably necessary expense and the board shall have the authority to engage legal counsel and professional consultants of its own choice; provided, however, that all such additional expenditures by the board, including reimbursement of expenses to members shall not exceed fifteen thousand dollars ($15,000.00) in any fiscal year without prior approval of the city governing body.

Section 8. Rules, Classification, Pay Plans. The board shall from time to time prepare personnel rules and regulations, and amendments thereto, to apply to all members of the classified service of the city and shall propose them to the city council. Such rules, regulations and amendments shall become effective upon adoption by ordinance of the council. Such rules and regulations shall provide for:

(a) The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances; provided, however, that all positions in the classified service can be created or eliminated only as provided by resolution or ordinance of the city governing body, or as may be otherwise provided by law; provided further, however, that positions in the classified service can be eliminated by any appropriate authority only for bona fide reasons of management or government;

(b) Job qualifications for all positions, including qualifications of education, training, experience and personal background; provided, however, that such qualifications must be made with the advice and consent of the appointing authority for each position; provided further, that the appointing authority shall furnish the board with job descriptions for all positions subordinate to such appointing authority, and the board shall assist in the preparation of such job descriptions, and shall, where feasible, work with the appointing authorities to provide a uniform system of job descriptions throughout the classified service of the city;

(c) A pay plan for all city positions;

(d) A plan for job benefits, including pensions and insurance;

(e) Methods for determining the merit and fitness of candidates for appointment or promotion;

(f) The policies and procedures regulating reduction in force and removal of employees;

(g) The hours of work, attendance regulations and provisions for sick and vacation leave;

(h) The policies and procedures governing persons holding provisional appointments;

(i) The policies and procedures governing relationships with employee organizations;

(j) Policies regarding in-service training programs;

(k) Disciplinary actions and grievance procedures, including procedures for the hearing of grievances by the board; and

(l) Other practices and procedures necessary to the administration of the city personnel system.

Section 9. Register of Eligible Persons. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old,

and no eligible register shall be the result of more than one examination.

Section 10. Filling Vacancies in Classified Service. (a) Whenever a vacancy exists in any position in the classified service of the city, it shall be filled by appointment of one of the five persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for one year from the date of appointment.

(b) A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 11. Disciplinary Action. (a) Any member of the classified service shall be removed from office or disciplined in any manner only upon notice and hearing, for incompetency, malfeasance, misfeasance, or nonfeasance in office and for conduct detrimental to good order or discipline, including habitual neglect of duty. Any member of the classified service aggrieved by a final decision concerning disciplinary action taken against him by his appointing authority shall be entitled to a hearing before the board in accordance with civil service rules and regulations for such hearings; provided, however, that the board shall provide by rule for preliminary procedures for the appropriate appointing authority to hear and decide all cases of disciplinary action involving the subordinate employees of such appointing authority, subsequent to which an aggrieved employee would be entitled to a hearing before the board.

After such hearing, the board shall reduce its findings of fact to writing and shall issue a written order upholding or denying such disciplinary action, or ordering less severe disciplinary action. Such order shall be binding on the city.

(b) Either the city or the member of the classified service subject to such disciplinary action may appeal the order of the board to the Talladega County Circuit Court within thirty days from the date of

such order. Review by the court shall be without a jury and shall be confined to the record, and to a determination of questions of law presented. Upon such appeal, the board's finding of facts shall be final and conclusive.

Pending such hearing and order, and pending any appeal to the circuit court, no disciplinary action shall be carried out; provided, however, that pending such hearing and order and such appeal and subject to rules adopted pursuant to this act, the mayor may temporarily suspend any member of the classified service who is removed or suspended for cause, if the mayor deems it in the best interest of the city; provided, however, that any employee so suspended temporarily pending final disposition of his cause shall not lose any pay or seniority relative to any portion of such suspension not upheld on final disposition of such cause.

(c) For purposes of carrying out the provisions of this Section 11, the board may summon witnesses and compel their attendance and compel witnesses to testify and produce books and papers, and may punish them by imprisonment, not exceeding ten days for failure to attend or refusal to testify or produce books or papers. The presiding officer of the board may administer oaths to such witnesses. During a session of the board held for such purpose, any person who is guilty of disorderly or contemptuous behavior in the presence of the board may be punished by the board, by arrest and imprisonment not exceeding twenty-four hours.

Section 12. Complaints by Private Citizens. Any resident citizen of the city may make a complaint in writing concerning the conduct of any member of the classified service. The appointing authority of such employee shall investigate and evaluate such complaint, and shall take any appropriate disciplinary action in accordance with personnel rules and regulations.

Section 13. Political Activities. (a) No member of the classified service shall take part in the management or affairs of any political campaign for election into municipal office of the City of Talladega.

(b) No person shall solicit or receive any assessments, contributions, or services, for any political party or candidate from any member of the classified service, for any political campaign for election to municipal office of the City of Talladega. No member of the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or candidate, or solicit or take part in soliciting any such assessment, subscription, or contribution, for any political campaign for election to municipal office of the City of Talladega.

(c) No member of the classified service shall be a candidate for election into municipal office of the City of Talladega while on active duty in the classified service. Any member of the classified service who desires to become a candidate for such election must take a leave of absence without pay immediately upon announcing his candidacy or qualifying as a candidate for municipal office of the city. Civil service rules and regulations shall provide for such leaves of absence and for the return to duty of any such employee.

(d) Nothing herein contained shall affect the right of a member of the classified service to hold membership in, and support, a political party, to vote as he chooses, to express privately his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

Section 14. Employee Organizations. Nothing in this act shall be construed to deny members of the classified service the right to organize, join, and participate, or to refuse to organize, join, and participate in any lawful employee organization freely and without fear of penalty or reprisal, for the purpose of collective negotiation through representatives of their own choosing on terms and conditions of employment. No member of the classified service shall be disciplined or discriminated against in any manner whatsoever because of membership or nonmembership in any such lawful organization.

Section 15. Departmental Work Rules. Departmental work rules and regulations not in conflict with this act shall be adopted by each department in such manner as may be prescribed by resolution of the city council.

Section 16. Transitional Period. (a) All personnel rules and regulations in effect at the effective date of this act shall remain in effect until replaced or modified by rules and regulations adopted in accordance with this act.

(b) Employees holding positions in the classified service on the effective date of this act, who have held a position of employment with the city for one year or more immediately prior to such date shall be continued in their respective positions without further examination, until separated from their positions as provided by law. Those holding their positions less than one year immediately prior to such date shall serve a probationary period as prescribed by the rules and regulations adopted pursuant to this act with or without further examination as may be prescribed by such rules.

Section 17. Unlawful Acts Prohibited. (a) No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and policies.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

Section 18. Penalties. (a) Any person who willfully violates any provision of this law or of the policies shall be guilty of a misdemeanor, punishable by imprisonment not to exceed six months, and a fine not to exceed $500.00.

(b) Any person who is convicted of a misdemeanor under this law, shall, for a period of five years, be ineligible for appointment to or employment in a position in the exempt or classified service, and if he is an officer or employee of the city, shall forfeit his office or position.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are hereby repealed.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:45 P.M.

Act No. 87-424 H. 799—Reps. Campbell, Willis and Crow

AN ACT

To levy and impose on lessors or renters of tangible personal property in Calhoun County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property payable to the license commissioner of Calhoun County, to be deposited into the general fund of the county treasury for the use of Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Person. Any natural person, firm, partnership, association, corporation, receiver, trust, estate, or other entity, or any other group or combination of any thereof acting as a unit.

(b) License Commissioner. The License Commissioner of Calhoun County, Alabama.

(c) County. Calhoun County, Alabama.

(d) Business. All activities engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect to such person.

(e) Gross Proceeds. The value proceeding or accruing from the leasing or rental of tangible personal property, without any deduction on account of the cost of the property so leased or rented, the cost of materials used, labor or service cost, interest paid or any other expenses whatsoever, and without any deduction on account of loss and shall also include on the part of any person claiming exemption under Section 3 (d) of this act an amount equal to the amount of rental paid on any tangible personal property acquired under such exception and thereafter diverted to the use of such person.

(f) Leasing or Rental. A transaction whereunder the person who owns or controls the possession of tangible personal property permits another person to have the possession or use thereof for a consideration and for the duration of a definite or indefinite period of time without transfer of the title to such property. The detention by the user thereof of freight cars, oxygen and acetylene tanks and similar property, in respect of which detention a demurrage or per diem charge is made against the user of such property, shall not be deemed to constitute a transaction whereunder property is leased or rented to another within the meaning of this act.

(g) Tangible Personal Property. Personal property which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall not include stocks, bonds, notes, insurance, or other contracts, or securities.

(h) Medical Equipment. Equipment used primarily for and essential to medical care for or to aid in the diagnosis, cure, mitigation or treatment of disease or injury affecting any structure or function of the body. Such term shall include, but not be limited to, hospital beds, wheelchairs, walkers, orthopedic appliances, and convalescent aids.

(i) Exempt Organization. Any organization exempt from taxation under 26 U.S.C. §501, as in effect from time to time.

Section 2. Levy of tax. Effective the first day of the third month following this act being approved by the governor or otherwise becoming law, there is hereby levied in addition to all privilege license taxes of every kind now or hereinafter imposed by law, which shall

be collected as herein provided, a privilege or license tax on each person engaging or continuing within the county in the business of leasing or renting tangible personal property, and such tax shall be in the amounts to be determined by the application of the rates against gross proceeds as follows:

At a rate of 3% of the gross proceeds derived by the lessor or renter from the lease or rental of tangible personal property; provided the privilege or license tax on each person engaging or continuing within this county in the business of leasing or renting any automotive vehicle or truck trailer, semitrailer, or house trailer, shall be at the rate of 1.125% of the gross proceeds derived by the lessor from the lease or rental of such automotive vehicle or truck trailer, semitrailer, or house trailer; provided further, that the tax levied hereby shall not apply to any leasing or rental, as lessor, by the state, or any municipality or county in the state or United States of America or any agency or unit thereof.

Section 3. Exemptions. There shall be exempted from the computation of any tax due hereunder the following:

(a) The gross proceeds accruing from the leasing or rental of film to a lessee who charges, or proposes to charge, admission for viewing same;

(b) The gross proceeds accruing from any charge in respect of the use of docks or docking facilities furnished for boats or other craft operated on waterways;

(c) The gross proceeds accruing from any charge made by a landlord to a tenant in respect to the leasing or furnishing of tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

(d) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to a tax hereunder;

(e) The gross proceeds accruing from any charge made by a landlord to a tenant in respect to the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging, or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

(f) The gross proceeds accruing from the leasing or rental of tangible personal property which the county is prohibited from taxing

under the constitution or laws of the United States or under the constitution or laws of the state;

(g) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research;

(h) The gross proceeds accruing from a transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer, for operation over the public roads and highways, and such lessor furnishes a driver for each such vehicle, and such transaction shall be deemed to constitute the rendition of service and not a "leasing or rental" within the meaning of this act;

(i) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on per diem basis;

(j) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution;

(k) The gross proceeds derived by the lessor (which term includes a sublessor) from the leasing or rental of tangible personal property when the lessor and lessee (which term includes sublessee) are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other, provided that the appropriate sales or use tax, if any was due, has been paid on such item of personal property, and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license tax due and payable with respect to such subsequent subleasing under the provisions hereof shall be paid;

(l) The gross proceeds accruing from the leasing or rental of any tangible personal property by a lessee which is a public or private hospital, nursing home or health care facility, or by a lessee which is an exempt organization;

(m) The gross proceeds accruing from the leasing or rental of medical equipment;

(n) The gross proceeds accrued or accruing from any leases or rental contracts in effect before the first day of the third month

following this act being approved by the governor or otherwise becoming law, provided, however, that the exemption hereby afforded shall not apply to any renewal or extension of such leases or contracts and shall not apply to gross proceeds accruing after one year from the first day of the third month following this act being approved by the governor or otherwise becoming law.

(o) The gross proceeds accruing from a transaction which involves the leasing or rental of vessels or railroad equipment which are engaged in interstate or foreign commerce, or both; and

(p) The gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, sundries and supplies affixed or used on said aircraft and all ground support equipment and vehicles used by or for the aircraft to or by a certificated or licensed air carrier with a hub operation within this county, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words "hub operation within this county" shall be construed to have all of the following criteria:

(1) There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

(2) Passengers and/or property regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

Section 4. The privilege license tax levied hereunder, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the privilege license tax accrues. On or before such twentieth day, every person on whom the amounts levied hereunder are imposed shall render to the county, on a form or forms prescribed by the County Commission, a true and correct statement showing the gross proceeds of his business, for the next preceding month, the amount of gross proceeds which are not subject to the privilege license tax, or are not to be used as a measurement of the amounts due by such person and the nature thereof, together with such other information as the County Commission may require, and at the time of making such monthly report such person shall compute the privilege license taxes due and shall pay the License Commissioner of the county the amounts shown to be due. The License Commissioner of the county shall deposit all taxes collected under this act into the general fund of the county treasury for the use of the county. If any person subject hereto should fail to render any report, return, statement or form required hereby or should willfully make a false statement of facts in the report, return, statement or form required

hereunder, he shall upon conviction be punished by a fine of not more than $500.00 for each violation of any provision of this section.

Section 5. Any person taxable hereunder who makes cash or credit leases or rentals, may report such cash leases or rentals only, and he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the privilege license tax due thereon at the time of filing such report.

Section 6. It shall be the duty of every person engaging or continuing in any business for which a privilege or license tax is imposed hereby to keep and preserve suitable records of the gross proceeds of any such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable hereunder. It shall be the duty of every person to keep and preserve for a period of three years, all invoices of gross proceeds, proceeding or accruing from the leasing or rental herein taxed and all such books, invoices and other records shall be open for examination, at any time by the County Commission or its agent. Any person leasing, who in addition leases for re-leasing, shall keep his books so as to show separately the gross proceeds of leasing and the gross proceeds of leasing for re-leasing. Each occurrence of a failure to keep records or allow examination thereof shall constitute a separate offense.

Any person who shall fail to keep records as herein required or who shall refuse to permit such examination thereof, or who violates any other provision hereof shall upon conviction be punished by a fine of not more than $500.00 for each violation of any provision of this section.

Section 7. Any person who fails to pay the tax herein levied within the time required by this act shall pay, in addition to the tax, a penalty of ten percent of the amount of tax due, together with interest thereon at the rate of one percent per month or fraction thereof, from the date at which the tax herein levied became delinquent, that is, due and payable, such penalty and interest to be assessed and collected as part of the tax. Provided the County Commission, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent or a portion thereof.

Section 8. The County Commission of Calhoun County is hereby expressly authorized to prescribe all necessary or appropriate rules and regulations for the implementation and enforcement of this act, including all rules and regulations as may be necessary by reason of any alteration of law in relation to this act.

Section 9. The provisions of this act are severable, and should any part of this act be declared unconstitutional or void, such declaration shall not affect the remaining provisions.

Section 10. This act shall repeal all laws and parts of laws which are in direct conflict herewith.

Section 11. This act shall become effective the first day of the third month following this act being approved by the governor or otherwise becoming law, and the first payment of any tax hereunder shall be due and payable on or before the twelfth day of the fourth month following this act being approved by the governor or otherwise becoming law.

Approved July 21, 1987

Time: 3:46 P.M.

Act No. 87-425 H. 784—Rep. Layson

AN ACT

Relating to Pickens County, providing further for the procedure for selling and redeeming lands for taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Pickens County.

Section 2. The procedure for selling and redeeming lands for taxes in such county shall be the same as provided in Title 40 of the Code of Alabama 1975, as amended, except that all such duties as are required of and are performed by the judge of probate shall be transferred to and be performed by the revenue commissioner of said county, and the judge of probate shall be relieved of all such duties.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved July 21, 1987

Time: 3:47 P.M.

Act No. 87-426 H. 775—Rep. Willis

AN ACT

To authorize Calhoun County, Alabama, to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and

to allow the governing body of Calhoun County, Alabama, to set the amount of any such business or privilege license fee at a rate of from ten dollars to one hundred dollars for each type or category of business in the county and promulgate all necessary or appropriate rules and regulations for the implementation and enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Calhoun County, Alabama, and to no other county.

Section 2. As used in this act, the following words and terms shall have the meanings hereby ascribed to them: "the county" means Calhoun County, Alabama; "the governing body" means the governing body of Calhoun County, Alabama, whether it be a county commission, board of revenue, or other governing body; "person" includes any natural person, partnership, corporation, firm, association, trust, estate or other entity; and "business" includes all activities engaged in, or caused to be engaged in, by any person with the object of gain, profit, benefit or advantage, either direct or indirect to such person; "license or privilege fee" shall not include any sales or use tax.

Section 3. The purpose of this act is to equalize the burden of taxation by authorizing the county to impose a license or privilege fee upon persons now engaging in certain businesses without paying any license fee or tax thereon to either the state or county and to generate additional revenue for the county by imposing an additional license or privilege fee upon persons now engaging or who may hereafter engage in certain businesses and pay license or privilege fees to the state or county.

Section 4. The governing body of the county is hereby authorized to levy an annual license or privilege fee upon any person for engaging in any business in the county. The license or privilege fee hereby authorized shall be in addition to any other license or privilege fee which is currently authorized or may hereafter be authorized.

Section 5. The fee hereby levied shall be paid annually on October 1 for the succeeding year to that officer or employee of the county chargeable with the duty of collecting license or privilege fees or taxes payable to the county, and shall be deposited in the county general fund for the use of the county.

Section 6. The license or privilege fee levied by the governing body of the county on any person for engaging in any business shall be at a rate of from ten dollars to one hundred dollars for each business conducted in the county. The governing body of the county is expressly authorized to set the rate of the license or privilege fee within the limits herein provided for each type or category of business

in the county. The rates of the license or privilege fee for each type or category of business shall be uniform throughout the county and shall be set forth in a schedule promulgated by the governing body of the county in which the rate for each type or category of business is dependent on the type, size, gross receipts and/or number of employees of the business and/or such other reasonable criteria as the governing body of the county shall determine.

Section 7. The governing body of the county is hereby expressly authorized to prescribe all necessary or appropriate rules and regulations for the implementation and enforcement of this act, including all rules and regulations as may be necessary by reason of any alteration of law in relation to this act.

Section 8. Nothing in this act shall be construed to authorize or require a license or privilege fee for practicing the religious tenets of any church.

Section 9. It is hereby provided that all laws or parts of laws in conflict with the provisions of this act are hereby repealed to the extent of such conflict.

Section 10. The provisions of this act are severable, and should any part of this act be declared unconstitutional or void, such declaration shall not affect the remaining provisions.

Section 11. This act shall become effective October 1 after the date of its passage and approval by the Governor or October 1 after the date of its otherwise becoming a law and the annual license or privilege fee herein levied shall be due on that date.

Approved July 21, 1987

Time: 3:48 P.M.

Act No. 87-427 H. 740—Rep. Crow

AN ACT

Relating to Calhoun County; to forbid the recording of deeds, plats or other documents purporting to convey to Calhoun County any right, title or interest in land unless accompanied by a resolution of the County Commission accepting the transfer.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Calhoun County.

Section 2. The Judge of Probate of Calhoun County shall not accept for recording any deed, plat, or other document purporting

to convey to Calhoun County or the Calhoun County Commission any right, title or other interest in land unless such document is accompanied by a resolution of the Calhoun County Commission accepting the transfer. Such copy of the resolution shall be recorded as part of the document.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:49 P.M.

Act No. 87-428 H. 739—Rep. Willis

AN ACT

Relating to Calhoun County; to create a cause of action in favor of the county and affected citizens against subdividers of land who fail to construct roads which conform to minimum county standards; providing further, that this act does not require that the county accept for maintenance any road which does not meet its minimum standards.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Calhoun County.

Section 2. There is hereby created a cause of action against subdividers of land who fail to construct roads and streets within their subdivisions in conformity with minimum standards established by the County Commission.

Section 3. The cause of action hereby created shall be in favor of the county and any landowner affected by the subdivider's failure to construct roads which meet minimum county standards and shall be for the actual cost of construction of roads which do comply with minimum standards.

Section 4. Nothing in this act shall be construed to require that the county accept for maintenance any road which does not meet its minimum standards.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:50 P.M.

Act No. 87-429 H. 711—Rep. Campbell

AN ACT

To amend further Section 3 of Act No. 592, S. 456, Regular Session 1953 (Acts 1953, p. 838) as last amended by Act No. 85-552, H. 952, Regular Session 1985 (Acts 1985, p. 844), which provides for a civil service system for the city of Anniston in Calhoun County, so as to provide further for certain exemptions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 592, S. 456, Regular Session 1953 (Acts 1953, p. 838), as last amended, is hereby amended further to read as follows:

"Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency of instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) the secretary of the chief executive officer of the city; (i) the following employees of the Anniston Museum of Natural History: director, assistant director for programs and marketing, museum business manager, curator of natural history, curator of exhibits, artist II, artist I, assistant preparator, exhibit fabricator, naturalist, registrar, public relations coordinator, museum building and grounds supervisor, museum technician, museum horticulturist, museum display technician and preparator and any new classifications in the exempt category of employment which are created by the Anniston Museum Board."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:51 P.M.

Act No. 87-430 H. 710—Rep. Campbell

AN ACT

Relating to Calhoun County, amending Act No. 592, S. 456, 1953 Regular Session, as amended, providing a civil service system for the City of Anniston, so as to provide further for the expense allowance for members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 592, S. 456, 1953 Regular Session, as amended, is hereby further amended to read as follows:

"Section 6. The members of the board of the civil service commission of any city which has a civil service commission in any county having a population of not less than 95,000 nor more than 115,000 according to the last or any subsequent federal decennial census shall receive an expense allowance as follows: the chairman shall receive $175.00 per month, and the other members shall receive $100.00 per month. Said expense allowance shall be paid from funds of the city on order of the board in the same manner as other city salaries and expenses and shall be in lieu of all other compensation and expenses provided members of the board by general, special or local law. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:52 P.M.

Act No. 87-431 H. 847—Rep. Black

AN ACT

Relating to Greene County; to fix the fee for the issuance of pistol permits in Greene County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Greene County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person

as provided in Title 13A-11-75, Code of Alabama 1975, shall be $10.00, which shall be collected by the Sheriff.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the Sheriff of Greene County in any bank located in Greene County selected by the Sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Greene County or his appointed agent and shall be exclusively for law enforcement purposes in the public interest and in the discharge of the Sheriff's Office as the Sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the Sheriff or the operation of his Office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time 3:53 P.M.

Act No. 87-432 H. 846—Rep. Black

AN ACT

Relating to Greene County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Greene County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 2. The actual cost of operating and constructing the road or driveway shall be borne and paid by the homeowner. The county governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county governing body may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county governing body.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:54 P.M.

Act No. 87-433 H. 829—Rep. Lindsey

AN ACT

Relating to Cherokee County; to fix the fee for the issuance of pistol permits in Cherokee County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cherokee County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be $10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the sheriff of Cherokee County in any

bank located in Cherokee County selected by the sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in Section 2 of this act shall be drawn upon by the sheriff of Cherokee County or his appointed agent and shall be exclusively for law enforcement purposes in the public interest and in the discharge of the sheriff's Office as the sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:55 P.M.

Act No. 87-434 H. 828—Rep. Lindsey

AN ACT

Relating to Cherokee County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Cherokee County; repealing conflicting laws; and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Cherokee County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county revenue commissioner in Cherokee County. If such office is established upon the occurrence of a vacancy in either the office of

tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall be elected at an election called for the purpose and every six years thereafter. He shall serve for a term of office of six years from the first day of the term next succeeding his election and until his successor is similarly elected, qualified and takes office.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission or other like governing body of the county, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission or like governing body of the county, giving as securities thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned, as other official bonds are conditioned, and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The county commission or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties

of his office, the Revenue Commissioner will receive a minimum salary of $35,000 per annum, as provided by section 40-6A-2, Code of Alabama 1975, as amended, relating to such salaries, payable in twelve equal monthly installments, with the exact amount to be set by resolution of the Cherokee County Commission prior to the Revenue Commissioner taking office. If no action is taken by the Cherokee County Commission before the Revenue Commissioner takes office at each term, his salary will be $35,000.

Section 7. The offices of tax assessor and tax collector of Cherokee County are hereby abolished effective on the first day of the term to which they are elected, or on such earlier date, as is prescribed in Section 1 hereof, if vacancy occurs in either the office of tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Cherokee County by consolidating the offices of tax assessor and tax collector of such county into one county office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. The provisions of this act shall become operative in Cherokee County, only if they are first approved by a majority of the qualified electors of said county, who vote thereon, in a referendum election. Said election may be concurrent with a valid election held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows: Shall Act No. _____of the 1987 Regular Session of the Legislature (here insert the number of this act) which provides for the abolition of the offices of tax assessor and tax collector of Cherokee County and the consolidation of the duties of these officers into the one office to be known as the county commissioner of revenue, be approved? _____Yes. _____No.

If a majority of the qualified votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Cherokee County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns

have been certified. Provided, however, that any county-wide election called, for the purposes of this act, shall be sufficient for the local election.

Section 12. If the office of tax assessor or tax collector should become vacant between the time of ratification of this act by the electors of Cherokee County and the expiration of the term of office of either the tax assessor or tax collector, this act shall become effective immediately and the election thereon shall be called within forty-five days of such vacancy.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:56 P.M.

Act No. 87-435 H. 827—Rep. Lindsey

AN ACT

Relating to Cherokee County; providing for the chairman of the county commission; repealing Act No. 273, S. 349, Regular Session 1943 (Local Acts, 1943), which provides for the president of such commission, so as to replace such office and duties with the judge of probate who shall be the chairman; providing that the duties and the compensation of such chairman shall be as provided by general law; providing for advisory referendum, and for interim vacancy in office of chairman.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the term of office of the president of the Cherokee County commission, the office, power and duties of such officer shall be invested in the chairman of the said commission. The judge of probate of Cherokee County shall be the chairman and shall have all the duties and powers of said officer as prescribed by Sections 11-3-1 through 11-3-26, Code of Alabama 1975, as amended, all of which relate to the county commission. Such duties shall be in addition to any and all other duties prescribed by law for the judge of probate of Cherokee County for which he shall receive a total salary as chairman and judge of probate in the sum of at least $40,000 in accordance with section 12-13-20, Code of Alabama 1975, as amended.

Section 2. The county commission shall call an advisory referendum election in Cherokee County, which may be concurrent with a valid election held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows: "Shall

Act No. _____ of the 1987 Regular Session of the Legislature (here insert the number of this act) which provides for the judge of probate to also serve as chairman of the Cherokee County Commission be implemented? _____Yes. _____ No."

If a majority of the qualified votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The advisory referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Cherokee County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified. Provided, however, that any county-wide election called, for the purposes of this act, shall be sufficient for the local election.

Section 3. If the office of chairman of the county commission should become vacant between the time of ratification of this act by the electors of Cherokee County and the expiration of the term of office of said official, this act shall become effective immediately and the election thereon shall be called within forty-five days of such vacancy.

Section 4. Act No. 273, S. 349, Regular Session 1943 (Local Acts, 1943), is hereby specifically repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this act shall take effect and be in force upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as herein otherwise provided.

Approved July 21, 1987

Time: 3:57 P.M.

Act No. 87-436 H. 562—Reps. Flowers and Williams

AN ACT

To further reapportion House District 88 and House District 89 of the Alabama Legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The following described territory is hereby transferred from House District 89 to House District 88, to-wit:

In Dale County:
Daleville Division
Daleville City
Tract 211
Enumeration District 672.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:58 P.M.

Act No. 87-437 H. 787—Rep. Black

AN ACT

Relating to Sumter County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Sumter County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 2. The actual cost of operating and constructing the road or driveway shall be borne and paid by the homeowner. The county governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county governing body may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county governing body.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:59 P.M.

Act No. 87-438 H. 741—Reps. Fuller and Laird

AN ACT

Relating to Chambers County; to create a license-issuing division within the judge of probate's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the judge of probate's office of Chambers County a license division which shall issue all licenses issued through the judge of probate's office, except marriage licenses. The county commission shall furnish suitable quarters and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall also provide such clerks, and other assistants for said judge of probate as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The judge of probate shall have authority to employ such clerks, and other assistants, and to fix their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county commission. The compensation of the clerks and assistants shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The judge of probate shall perform all duties relating to the assessment and collection of ad valorem taxes and casual sales

and use taxes on motor vehicles in the county, which have heretofore been performed by the tax assessor and the tax collector. The tax assessor and the tax collector of Chambers County are hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles. The judge of probate shall receive the commissions and fees now allowed the assessor and collector for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such tax shall be made at the same time as other reports and remittances are now made by the judge of probate.

Section 3. The judge of probate shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that the judges of probate are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that judges of probate are required to account for by law.

Section 4. Except as hereinafter provided, the judge of probate shall be entitled to charge and collect the same fees that are provided for by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said probate judge shall charge and collect a fee of $2.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the judge of probate until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said judge. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said probate judge who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicle can be assessed, the judge of probate shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said judge of probate shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said judge of probate shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October.

Section 7. The judge of probate may, at his discretion, mail an application for renewal of licenses to whom such license has been previously issued, such renewal forms required to be returned prior to the expiration date of the license. Such renewal forms may be in post card form and with sufficient information thereon to adequately identify and process such renewal. The signature of the licensee thereon and proper remittance shall constitute sufficient authority for the judge of probate to issue such license and return to the licensee by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be in the amount of two dollars ($2.00) to pay the cost of the mailing procedure herein provided, and such fee shall be collected by the judge of probate at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:00 P.M.

Act No. 87-439 H. 811—Rep. Hammett

AN ACT

Relating to Covington County; providing for an advisory referendum relative to whether the county should be placed on a unit system of public road and bridge maintenance by a county engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County, the county commission shall hold an election at which shall be submitted to the qualified electors participating therein the following question: "Do you favor an act which places Covington County on a unit system of public road and bridge maintenance by a county engineer?"

Section 2. The election shall be held on the date of the next county-wide election after the effective date of this act and shall be held in the same manner as are other county elections.

Section 3. The county commission shall certify the results of the election to each member of the Legislature who represents Covington County. The results of the election shall be advisory only.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:01 P.M.

Act No. 87-440 H. 810—Rep. Hammett

AN ACT

To provide that the judge of probate of Covington County shall be compensated on a salary basis; to provide for the operation of his office after he is on a salary basis; to require the judge of probate to continue to collect the fees prescribed by law and to pay such fees into the county treasury from which his salary will be paid.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Covington County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Covington County such salary as provided by general law. Such salary shall be the entire compensation received by such judge for his services in any official or ex

officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Covington County.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Covington County shall hereafter continue to be collected but shall be paid into the general fund of Covington County.

Section 3. The governing body of Covington County shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Covington County.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective upon the expiration of the term of office of the incumbent judge of probate and upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing an act placing the judge of probate on a salary.

Approved July 21, 1987

Time: 4:02 P.M.

Act No. 87-441

H. 609—Reps. Carothers, Beasley and Mathis

AN ACT

Relating to Houston County; providing a certain monthly expense allowance for the members and chairman of the county commission which shall be in lieu of all expense allowances heretofore provided by law for such members.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Houston County Commission shall be entitled to receive an expense allowance in the amount of $4,900 per annum divided in equal monthly installments. The chairman shall receive an expense allowance in the amount of $10,000

per annum divided in equal monthly installments. The expense allowances herein provided shall be in lieu of any and all other expense allowances heretofore provided by law for the members and chairman of the Houston County Commission and shall be paid in the usual manner from the county general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:03 P.M.

Act No. 87-442 H. 583—Rep. Dillard

AN ACT

Relating to Lawrence County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Lawrence County, must, in addition to all other requirements of law, obtain the consent of the Lawrence County Commission before annexation of lands lying in Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other requirements of law, no municipality whose corporate limits or boundaries include lands outside of Lawrence County may annex lands within Lawrence County, or otherwise extend its corporate limits or boundaries in Lawrence County, without the consent of the Lawrence County Commission.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:04 P.M.

Act No. 87-443 H. 582—Rep. Beasley

AN ACT

To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Kinsey in Houston County, Alabama, are hereby altered, re-arranged and extended so as to embrace within the corporate limits of said municipality the following described property, to-wit:

East 1/2 of Section 22, T4N, R27E; all of Section 23, T4N, R27E; East 1/2 of Section 27, T4N, R27E; East 1/2 of Section 34, T4N, R27E, lying North and West of the centerline of Omussee Creek; Southwest 1/4 of Section 34, T4N, R27E; South 1/2 of Section 33, T4N, R27E, not currently in the Dothan Corporate Limits. South 1/2 of Section 32, T4N, R27E; Northwest 1/4 of Section 3, T3N, R27E, not currently in the Dothan Corporate Limits; all of Section 26 and Section 35, T4N, R27E, lying North and West of the centerline of Omussee Creek;

LESS AND EXCEPT the following described parcel of land owned by Houston Steele, to-wit:

One lot of land, consisting of two acres, more or less, more particularly described as follows: Beginning at a point on the centerline of the Kinsey and Cowarts Paved Highway on the line dividing the property of O. M. Hughes and the property of E. R. Solomon to the South thereof, and thence in a Northeasterly direction along the centerline of said Kinsey and Cowarts Paved Highway, for a distance of 210 feet and to a point thence in a Westerly direction for a distance of 380 feet and to a point; thence in a Southern direction for a distance of 210 feet and to a point on the North line of aforesaid property belonging to E. R. Solomon; and thence in an easterly direction along the North line of said property of E. R. Solomon for a distance of 460 feet and back to the Point of Beginning at the centerline of aforesaid Kinsey and Cowarts Paved Highway, lying and being in the SW 1/4 of the SE 1/4 of Section 33, T4, R27, Houston County, Alabama. Further described by boundaries as follows: Bounded on the East by the centerline of the Kinsey and Cowarts Paved Highway, on the North by property of O. M. Hughes, and on the West by property of O. M. Hughes, and on the South by property of E. R. Solomon.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:05 P.M.

Act No. 87-444 H. 51—Rep. White (L)

AN ACT

Relating to Tallapoosa County; levying an additional ad valorem tax in the county with proceeds therefrom to be deposited in the county general fund to be expended for certain fire protection purposes upon referendum approval of such levy by the qualified electors of the county and prescribing certain criteria for eligibility to receive funding from the proceeds of such additional ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County, Alabama, in addition to any and all other taxes heretofore levied, the county commission shall, by resolution duly adopted and spread upon its minutes, levy and impose an additional ad valorem tax in the amount of one mill on each dollar of taxable property in the county. The additional taxes levied and imposed by this act shall become effective immediately upon referendum approval by the qualified electors of the county as provided by law and shall be collected at the same time and in the same manner as existing ad valorem taxes are collected. On the ballots to be used at such referendum election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law levying an additional ad valorem tax in the county? Yes___ No___." If a majority of the qualified electors voting in such election vote in favor of such additional taxes then the provisions of this act shall become effective immediately. However, if a majority of the qualified electors voting in such election express their opposition to such additional taxes, then, the provisions of this act are hereby declared null and void and shall have no further effect.

Section 2. (a) The net proceeds from the taxes hereby authorized shall be deposited in the Tallapoosa County general fund to be expended by the Tallapoosa County Firefighters' Association, Incorporated, for funding county-wide fire protection.

(b) For any member fire department of the Tallapoosa County Firefighters' Association to receive any type of funding that might be acquired by the Association or mandated by law or appropriated to the Tallapoosa County Firefighters' Association, each member fire department of said Association must meet certain standards and criteria. Eligibility of member fire department for any type of funding that may be acquired in any way by the Association is strictly contingent upon compliance with these criteria, which are set out below:

1. Fire department must be a member of the Association in good standing.

2. Fire department must have a representative on the board of directors.

3. Fire department must be able to furnish monthly fire reports to the association.

4. Member fire department must be a certified fire department, with the Alabama Forestry Commission and/or the state of Alabama. Any new departments will have a one (1) year probation period to become certified. Failure to do so within one (1) year will void funding through the Association.

5. Fire department must be incorporated, or fall under the jurisdiction of a municipality and must be organized with a constitution and bylaws on file.

6. Fire department must have regular meetings for business and training.

7. Fire department must maintain a set of operating books for income and expenditures.

8. Fire department must furnish phone numbers so fire units can be reached day or night.

9. A representative from each fire department must attend at least three (3) of the four (4) quarterly board of directors meetings during the year and also the annual meeting each year.

10. Each member fire department of the Association must meet all qualifications established and approved by the board of directors of the Association in order to qualify for county funding or any other type of funding acquired by the Association.

11. Each member fire department receiving county funds or any other funding from the Association will be required to follow the Alabama state bid law.

12. Each member fire department receiving county funds will be required to furnish the association's treasurer with copies of receipts for firefighting equipment, gas, and all other items purchased with county funds.

13. Fire department shall not use funds acquired by or through the Association to pay compensation to its members.

(c) All funds acquired by the Association shall be divided equally among all qualified member fire departments and the Association. (Association to receive a share to be held in an emergency reserve.)

1. Member fire department must satisfy all requirements at the time funds are made available for distribution.

2. After receiving funds, member fire department must keep accurate records to verify that county funds were expended on fire department operation, equipment purchase, and repairs.

3. Association share of funds shall be invested in interest-bearing accounts to be determined by the board of directors. These funds are for interest-free loans to member fire departments for emergency repairs only, and must be repaid by the department out of the next year's funds.

4. Authorization to borrow emergency funds must be approved by a majority of the board of directors.

5. After a savings of $5,000.00 has been accumulated, the Association share is to be divided among member fire departments. All savings above $5,000.00 shall be divided equally among the member fire departments.

6. On dissolution of a member fire department, all equipment and other items purchased with county funds shall become the property of the Tallapoosa County Firefighters' Association.

(d) The Tallapoosa County Firefighters' Association shall not have or issue shares of stock. No dividend shall be paid, and no part of the income of this Association shall be distributed to its general members, directors, or officers. The Association shall not pay compensation to general members, directors or officers for service rendered; nor may compensation be paid indirectly, as for instance, through a member fire department. Compensation shall not be deemed to include expenses and reimbursements, unless voted on by the board of directors.

(e) The Tallapoosa County Firefighters' Association will make no loans to any of its directors, officers or general members.

(f) No member or incorporator of the Tallapoosa County Firefighters' Association, may have any vested right, interest, or privilege of, in or to the assets, functions, affairs or franchises of this Association, or any right, interest or privilege if membership ceases or while he or she is not in good standing.

1. Expelled members shall have no property rights to assets of the corporation.

2. On dissolution, assets of this Association remaining after the payment or discharge of all liabilities of the Association, the return, transfer or conveyance of assets held on conditions requiring the same, and the transfer or conveyance of assets received, shall be distributed as provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:06 P.M.

Act No. 87-445 H. 688—Rep. White (F)

AN ACT

Relating to Escambia County; amending Act No. 84-576, H. 664, 1984 Regular Session, which establishes a trust fund for the proceeds of the oil and gas severance taxes, so as to provide further for the termination date of the trust fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 84-576, H. 664, 1984 Regular Session, is hereby amended to read as follows:

"Section 5. The provisions of this act shall not terminate at the end of twenty years from the date of enactment, unless a majority of the qualified electors of the county vote to terminate the provisions of this act at a special election called for such purpose."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:07 P.M.

Act No. 87-446 H. 317—Rep. Harvey

AN ACT

Relating to Blount County, to amend Act 85-620 of the 1985 Regular Session, so as to remove the provision that the chairman of the county commission shall be a full time position.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 85-620, H. 334 of the 1985 Regular Session (Acts of 1985, p. 946) is hereby amended to read as follows:

"Section 1. The position of county commissioner of Blount County shall be a full time position. Such Commissioner shall receive compensation for serving as full time officers in accordance with the minimum allowable by state law. The chairman of the county commission shall not be considered a county commissioner for the purposes of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:08 P.M.

Act No. 87-447 H. 753—Reps. Starkey, Hamilton and Goodwin

AN ACT

Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, which created the office of license commissioner, so as to authorize said commission to issue business licenses by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 79-107, H. 171, 1979 Regular Session, is hereby amended to read as follows:

"Section 6. Before any person, firm or corporation shall engage in or carry on any business or other activity in the county for which a license is required by law, a license for such activity must be purchased from said commissioner and he shall be entitled to charge a fee of $1.00 for the issuance of such license. All costs, fees and penalties which shall have accrued or for which such person, firm or corporation shall have become liable in any proceeding commenced for the collection of same shall be paid before any such license is eligible for renewal. Said commissioner shall issue the license countersigned by him in the form and on the blank furnished to him by the state department of finance which shall set forth and specify the name of the person, firm or the corporation applying therefor, the business or activity which it proposes to carry on thereunder, the address where it proposes to carry on the same, the time for which it is issued, and if the license is for a peddler, it shall state whether he proposes to travel on foot, on horseback or on wagon or on motor

vehicle. Such license shall not be transferable except as otherwise provided by law, nor shall it entitle the holder thereof to carry on any other business or do any other act other than that named herein at any other location than that specified; provided, however, that should it become necessary to move any business from one location to another location in said county, and such business is to continue in the same kind and character and by the same person or firm as that carried on at the former location, then, another license shall not be required for the same licensed year. The commissioner may, if he elects to do so, mail an application for renewal of a license to all persons, firms, and corporations to whom a license was issued during that license year as reflected on the records in his office. For preparing such application and mailing same by first class mail to the address of the person, firm or corporation as listed on the license records in his office, he shall be entitled to a mailing fee of $1.00 for each mailing, such mailing fee to be paid at the same time and in the same manner as other license issuance fees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:09 P.M.

Act No. 87-448 H. 364—Rep. Laird

AN ACT

Relating to Randolph County; authorizing the county commission to provide a certain expense allowance for the coroner to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such coroner to be effective at the beginning of the next term of office with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, the coroner of Randolph County shall be entitled to receive a monthly expense allowance in the amount of $150.00 to be paid from the county general fund. Said expense allowance shall be in addition to all other compensation, expense allowances or benefits granted to the coroner.

Section 2. Beginning with the next term of office, the expense allowance paid to the coroner as provided in Section 1 shall be null

and void. In lieu thereof the coroner shall receive an additional monthly compensation of $150.00. Said compensation shall be in addition to all other compensation, expense allowances or benefits received.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:10 P.M.

Act No. 87-449

H. 543—Reps. Slaughter, Gray, McDowell, Wright, Petelos, White (G) and McClain

AN ACT

Relating to Jefferson County; to provide for funding for the Birmingham-Jefferson County Transit Authority by the City of Birmingham, Jefferson County and certain other municipalities in such county; to repeal Act No. 232 of the 1977 Regular Session of the Alabama legislature and all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Jefferson County.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this act shall have the meanings respectively ascribed to them in this section:

(a) The term "county" means Jefferson County.

(b) The term "city" means the City of Birmingham.

(c) The term "ad valorem tax" shall mean those real and personal property ad valorem taxes collected by the county tax collector, and the director of revenue of the county, if any, for the county in the county, but shall exclude all ad valorem taxes collected for the state of Alabama and any and all boards of education, municipalities, fire districts or other entities located in the county.

(d) The term "transit authority" shall mean the Birmingham-Jefferson County Transit Authority or any successor thereof.

(e) The term "served by the transit authority" shall mean an area in which the transit authority operates vehicles on a regular schedule for the pick-up and discharge of passengers. Such term shall not include any area in which the only activity of the transit authority is the operation of vehicles on limited access roadways where there is no pick-up or discharge of passengers.

(f) The terms "annual," "annually," and "fiscal Year" mean and refer to the twelve-month period commencing on October 1 of each year and ending on September 30 of the following year.

(g) The term "participating municipality" shall mean each municipality located in Jefferson County which has certified routes to the authority to be operated in such municipality pursuant to the provisions of Section 8 of this act.

Section 3. The governing body of the county, the governing body of the city and the governing body of each participating municipality shall pay over to the transit authority annually a sum to be determined in accordance with the provisions of Sections 4, 5 and 10 hereof.

Section 4. The annual amount to be paid to the transit authority by the county is to be ascertained by first determining the amount of ad valorem taxes collected for the county from within the city limits of each municipality served by the transit authority. The county shall pay to the transit authority each year out of its general funds an amount equal to five and one-half percent (5.5%) of the first $18,181,819 of ad valorem taxes collected within the city limits of all municipalities served by the transit authority plus and two and one half percent (2.5%) of the ad valorem tax collected within the city limits of all municipalities served by the transit authority in excess of $18,181,819. In addition, the governing body of the county shall, at its sole discretion, make a determination prior to the end of each fiscal year as to the number of residents of the county residing in the unincorporated area thereof having access to services by the transit authority within reasonable walking distances of their residences, but said number shall not be less than in any preceding year, unless there is a reduction of routes serving the unincorporated area or the annexation of a portion of the unincorporated area served by the transit authority by a municipality. Such residents shall be deemed to be served by the transit authority and there shall be paid annually out of the general funds of the county a sum equal to $1.00 per capita of the residents thus deemed to be served.

Section 5. The annual amount to be paid to the transit authority by the city is to be ascertained by first determining the amount of ad valorem tax collected for the county within the city limits of the city. The city shall pay to the transit authority annually from its general funds an amount equal to ten percent (10%) of such ad valorem tax collected for the county within the city limits of the city each year.

Section 6. On or prior to thirty days after the effective date of this act and on or prior to March 1 of each subsequent year, each municipality located in the county other than the city which desires to be served by the transit authority during the forth coming fiscal year shall file a written request with the transit authority for such service, which request shall set forth the routes and frequency of service requested.

Section 7. On or prior to June 1 of each year, the transit authority shall prepare and submit to the county, the city, and each municipality which has requested to be served by the transit authority pursuant to the provisions of Section 6 hereof, a written budget for the transit authority for the forthcoming fiscal year. Such budget shall be prepared by the transit authority and shall set forth the number of hours of operation and the anticipated cost per hour of operation for the forthcoming fiscal year for the service requested by each municipality pursuant to the provisions of Section 6 hereof, exclusive of anticipated fare box revenue, federal operating subsidies and funds received by the Transit Authority pursuant to Sections 4 and 5 of this act and Act No. 131 of the 1984 Regular Session of the Alabama Legislature. In the event a municipality requests service which requires that vehicles travel through a municipality which is not served by the transit authority or on a limited access roadway where there is no pick-up or discharge of passengers, the municipality requesting such service shall assume and be responsible for the operating time of such vehicles from the point of their last scheduled pick-up of passengers until such vehicles reach the city limits of the requesting municipality. The governmental entity (within the county) which made the largest total payment to the transit authority during the preceding fiscal year shall be authorized to review such budget, and by written notice to the transit authority given on or prior to June 15, reduce such budget in any area in which it deems such budget to be excessive.

Section 8. On or prior to July 1 of each year, each municipality in the county, other than the city, which elects to be served by the transit authority shall certify in writing to the transit authority the routes to be operated in such municipality during the forthcoming fiscal year beginning October 1 and agree to make the payments to the transit authority provided in Section 9 of this act. The routes

so certified shall constitute the routes to be operated by the transit authority in such municipality during the forthcoming fiscal year, subject to equipment availability and to such adjustments as may be reasonably deemed necessary by the transit authority in order to provide for the efficient operation of transit service in such municipality and in the county as a whole.

Section 9. All of the municipalities served by any route operated by the transit authority may by written agreement filed with the transit authority agree to allocate the costs of operation of any such route on a basis different from that otherwise provided by this act.

Section 10. Subject to any agreement filed with the Transit Authority pursuant to the provisions of Section 9 hereof, the annual amount to be paid to the transit authority by each participating municipality is to be ascertained by multiplying the total projected hours of operation in such municipality for the forthcoming fiscal year based upon the routes certified by such municipality pursuant to the provisions of Section 8 of this act, as adjusted by the transit authority as provided in Section 8 hereof in order to provide for the efficient operation of transit service, times the cost per hour of operation set forth by the transit authority in the budget submitted by the transit authority pursuant to the provisions of Section 7 of this act. Such amounts shall be certified to the county tax collector and director of revenue of the county, if any, by the transit authority on or prior to September 15 of each year.

Section 11. The amounts required to be paid to the transit authority under the provisions of this act shall be paid by the county tax collector for the county, the city and participating municipalities upon the payment schedule established pursuant to the terms of the next following section of this act. If the county tax collector does not have ad valorem taxes due the county, the city or any participating municipality sufficient to pay the amounts due under the provisions of this act, then the balance due as to any payment hereunder shall be paid to the transit authority by the director of revenue of the county, if any, from any tax monies in his possession for distribution to the county, the city or such participating municipality. If as to any payment due hereunder, neither the county tax collector nor the director of revenue of such county, if any, shall have sufficient tax monies for distribution to the county, the city or any participating municipality in an amount sufficient to make such payment, then the balance of such payment shall be a priority claim (subject, however, to any claims having a priority under or pursuant to any provision of the Constitution of the State of Alabama or the Constitution of the United States), against any and all other funds of the county, or such participating municipality and shall be paid

directly by the county, the city or such participating municipality to the transit authority. It is expressly provided, however, that neither the county tax collector, nor the director of revenue of such county, if any, shall pay to the transit authority any monies, the payment of which would impair the obligation under any contract entered into by the county, the city or any participating municipality prior to the effective date of this act, or any tax monies from levies made for a specific purpose under the provisions of any section of the Constitution of the State of Alabama, as amended. The Transit Authority shall have the option to suspend, reduce, or terminate transit service to any participating municipality which has an insufficient tax revenue or other funds to make the payments provided hereunder.

Section 12. The payments required hereby for the county, the city and each participating municipality shall be made on a monthly basis or upon such other payment schedule as the county, the city or such participating municipality hereby shall agree to with the transit authority. If payments are made for the city and the county on a monthly basis, each payment shall be one-twelfth of the annual amount which would have been due based upon ad valorem tax collections for the preceding fiscal year with any deficit in the amount thus paid on such basis computed after ad valorem tax collections for the fiscal year in question are known, to be made up by the city and the county during the month of January next following the end of each fiscal year. If payments are made for participating municipalities on a monthly basis, each payment shall be one-twelfth of the annual amount due determined in accordance with the provisions of Section 10 hereof.

Section 13. The county, the city and each participating municipality shall have the right to examine and audit, at their expense, the books and records of the transit authority at any time during its regular business hours.

Section 14. The provisions of this act are hereby declared to be severable and should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

Section 15. Act No. 232 of the 1977 Regular Session of the Alabama Legislature is hereby repealed; provided, however, that all payments due to the transit authority under the provisions of Act No. 232 based upon ad valorem tax levied for the period ending on the September 30 following the effective date of this act shall be paid to the transit authority in accordance with the provisions of such Act No. 232. All other laws and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed to the extent of any such conflict.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:11 P.M.

Act No. 87-450 H. 701—Reps. Fuller and Laird

AN ACT

Relating to Chambers County; to amend Sections 1 and 2 of Act No. 1180, H. 2226, Regular Session 1971 (Acts 1971, p. 2040), relating to the issuance of pistol permits by the sheriff, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 1180, H. 2226, Regular Session 1971 (Acts 1971, p. 2040), are hereby amended to read as follows:

"Section 1. In Chambers County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person, as provided in Section 13A-11-75 of the Code of Alabama 1975, shall be ten dollars ($10.00), which shall be collected by the sheriff and deposited in the county treasury.

"Section 2. Nine dollars ($9.00) of the amount of each fee collected shall be credited to a special fund or account in the aforementioned county treasury and shall be used by the sheriff exclusively for law enforcement purposes. The remainder of the revenue from said fees when collected shall be paid into the general fund of the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:12 P.M.

Act No. 87-451 H. 854—Rep. Flowers

AN ACT

To exempt any citizen of Alabama over 65 years of age from paying an admission fee at the Pike County public fishing lake.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who is a citizen of the state of Alabama and over 65 years of age shall be entitled to fish in the Pike County public fishing lake operated by the department of conservation and natural resources, without the requirement of payment of any admission fee.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:13 P.M.

Act No. 87-452 H. 904—Reps. Campbell and Harper

AN ACT

To provide that the Lieutenant Governor's office shall be separate and distinct; to provide for the appointment and compensation of the personnel of the Lieutenant Governor's office; and to authorize the Lieutenant Governor to purchase equipment, supplies and services and to approve personnel business travel.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of the Lieutenant Governor shall be separate and distinct from the legislature, any state agency, entity or official. In addition to the personnel presently provided the Lieutenant Governor in Sections 29-4-44 and 29-4-46, Code of Alabama 1975, the Lieutenant Governor shall appoint, without regard to the State Merit System Law, such personnel as may be necessary to carry out the duties and functions of the office. The compensation of said personnel shall be fixed by the Lieutenant Governor in accordance with that of comparable positions established under the state merit system pay plan. The Lieutenant Governor may prescribe the duties and responsibilities of the personnel of the office. All personnel appointed pursuant to this act shall serve at the pleasure of the Lieutenant Governor making the appointment. For purposes of pay and employment benefits, rights and privileges, all personnel of the office shall be treated as other employees of the state.

Compensation of said personnel shall be payable as the salaries of other state employees are paid. The compensation of said personnel shall be paid from funds appropriated to the Lieutenant Governor's office. The compensation, expense allowances or other emoluments due said personnel shall be certified by the Lieutenant Governor to

the comptroller who shall issue his warrant therefor from funds appropriated to the Lieutenant Governor's office.

Business travel by the Lieutenant Governor and by the personnel of the Lieutenant Governor's office shall be approved by the Lieutenant Governor and shall be paid from funds appropriated to the Lieutenant Governor's office. The Lieutenant Governor shall have authority to purchase, lease, or contract equipment, supplies and services for use in the Lieutenant Governor's office and pay for said equipment, supplies and services from funds appropriated to the Lieutenant Governor's office.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective October 1, 1987.

Approved July 21, 1987

Time: 4:17 P.M.

Act No. 87-453 S. 611—Senator Bishop

AN ACT

To provide in Walker County for the incorporation of the Walker County Industrial Port Authority to own and operate the docks in Cordova; to provide for the management of said Authority by a board of directors; to provide for the appointment and term of office for such board of directors; to prescribe the powers and duties of the Authority; and to provide that this act shall take effect upon the conveyance of the state docks in Cordova to the Walker County Commission as authorized by Amendment No. 454 to the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. Provision is hereby made for the incorporation of the Walker County Industrial Port Authority, which Authority shall have the power to carry out the provisions of this act.

Section 2. (a) Upon the passage of this act, the legislative delegation representing Walker County in the Legislature of Alabama shall appoint five persons, each of whom must be a duly qualified elector and property owner in Walker County, who shall form the board of directors of such corporation. The directors shall be appointed for staggered terms of office as follows: Two years for Place No. 1; three years for Place No. 2; four years for Place No. 3; five

years for Place No. 4; six years for Place No. 5; and thereafter the term of office of each director shall be six years. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in Walker County or is otherwise disqualified to act, the Walker County legislative delegation shall appoint a successor to serve for the unexpired term. Directors shall be eligible for reappointment. If at the expiration of any term of office of any director, a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be so elected. No director shall be an officer or member of the Walker County Commission.

(b) A majority of the members of the board shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. Any matter in which the board is authorized to act may be acted upon at a regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by ayes and nays entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the board and recorded in a well-bound book which shall be open for inspection by each director and the public at all reasonable times. Copies of such proceedings when certified by the secretary of the corporation under its seal shall be received in all courts as evidence of the matters and things therein certified. The directors and officers of the corporation shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Any director may be impeached and removed from office in the manner and on the same grounds provided for in Section 175 of the Constitution of Alabama of 1901, and the general laws of the state for impeachment and removal of officers mentioned in said Section 175.

(c) The corporation shall have a president, vice president, a secretary and a treasurer and such other officers as the board shall deem necessary, but the office of secretary and treasurer may be held by the same person. The president and vice president of the corporation shall be elected by the board from the membership thereof; the secretary, the treasurer, and any other officer of the corporation may, but need not, be a member of the board and shall also be elected by the board. The officers of the board shall be elected at a regular meeting of the board to be held in the month of January of each year, and once elected shall serve until their successor is chosen and elected. The president, vice president, secretary and treasurer of

the corporation shall also be the president, vice president, secretary and treasurer of the board, respectively.

(d) The corporation shall make to the governing body of Walker County an annual written report of its activities and of its plans for the future which report shall include a financial operating statement and balance sheet prepared by the examiners of public accounts for the state of Alabama or by a certified public accountant appointed by the corporation.

Section 3. (a) The certificate of incorporation of the Walker County Industrial Port Authority shall set forth:

(1) The names and resident addresses of the persons forming the corporation, together with a recital that each of them is a duly qualified elector of and property owner in Walker County;

(2) The name of the corporation;

(3) The location of the principal office of the corporation;

(4) A statement that the corporation is organized for the purposes set forth in this act with all the powers and authorities specifed herein;

(5) The period of the duration of the corporation; and

(6) Any other matters which the persons forming the corporation may choose to insert therein which shall not be inconsistent with this act or any other law of the state.

(b) The name designated for the corporation in the certificate of incorporation shall be one indicating the purpose thereof, such as the "Walker County Industrial Port Authority" or some other name of similar import.

(c) The certificate of incorporation shall be subscribed and acknowledged by each of the persons forming the corporation before an officer or officers authorized by the laws of the state of Alabama to take acknowledgments to deeds and a certificate by the secretary of state that the name proposed for the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty.

Section 4. The certificate of incorporation, when executed and acknowledged in conformity with section 3, shall be filed with the judge of probate of Walker County and with the secretary of state. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of section 3 have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state so as to lead

to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office and shall also file the certificate of incorporation with the secretary of state. When such certificate is so filed, the corporation referred to therein shall come into existence and shall constitute a public body corporate and politic, vested with the rights and powers herein granted.

Section 5. The certificate of incorporation of the corporation incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution adopting an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption of the resolution proposing an amendment to the certificate of incorporation of the corporation by the board, the president and secretary of the board shall sign and file for record in the office of the judge of probate in Walker County and in the office of the secretary of state a certificate in the name of and in behalf of the corporation under its seal, reciting the adoption of said resolution by the board. The judge of probate for Walker County shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment.

Section 6. A corporation organized and existing under the provisions of this act shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

(a) To adopt and from time to time amend bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at its pleasure;

(c) To maintain a principal office in Walker County and sub-offices at such other places as its board may designate in Walker County;

(d) To sue and be sued in its own name, excepting actions in tort against the corporation;

(e) To construct, own, operate, lease, build, install, acquire, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, loading and unloading facilities, boat and barge docking facilities, fishing facilities, pavilions, auditoriums, shops, stores, boat launching facilities, dry docks, canals,

recreational facilities, campgrounds, parking facilities, office and other commercial buildings, water systems, electrical systems, gas and fuel oil pipelines and pumping stations, railroad lines and railway systems, helicopter and airline landing and loading facilities, industrial and manufacturing sites, buildings and facilities, coal and other solid fuel handling facilities, wood products manufacturing and handling facilities, agriculture and farm commodity handling, storage and processing facilities, drainage and sewage facilities, liquid and solid waste handling and disposal facilities, conveyor systems, jetties, mooring facilities, and all necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; and specifically including herein bridge and road relocation, and the construction, maintenance and operation of bridges, tunnels, overpasses, underpasses, roads and sidewalks; and the construction, leasing, operation, equipping, owning, using, controlling and maintaining of public terminal and transfer facilities, flood control facilities, water and soil erosion facilities, railroad and highway bridge relocation and construction and maintenance of the same and all other types of waterway facilities pursuant to all state, county, local and federal laws and regulations relative to the operation and maintenance of the docks at Cordova.

(f) To own, acquire, maintain and control easements, rights of way, streets, approaches, roads, interests in land, including the fee simple title to real property, riparian rights, and mooring rights necessary, useful or convenient in gaining access, entry or approach to waterways, rivers, canals and streams, whether or not navigable and whether or not such easements, rights of way, streets, approaches, roads, interests in land, riparian rights and mooring rights lead to property owned or controlled by the corporation.

(g) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain or lease one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

(h) To acquire, receive, take, hold, lease or operate, whether by purchase, gift, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to improve or develop any undeveloped property owned, leased or controlled by it;

(i) To sell, convey, lease or grant options for such purposes, any or all of its projects or properties, whenever its board shall find that such action is in the futherance of the purposes for which the corporation was organized, provided, however, no property shall be conveyed without the prior approval of a majority of the qualified

electors of Walker County voting in a referendum held for that purpose;

(j) To exchange or donate any or all of its projects or properties or parts thereof whenever its board shall find such action to be in furtherance of the purpose for which the corporation was organized;

(k) To execute and deliver such contracts or instruments of writing and to take such action as may be necessary or convenient to carry out the purposes for which the corporation was organized or to exercise any power or authority granted herein;

(l) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

(m) To furnish or supply upon any property owned, leased or controlled by the corporation to any persons, machines, automobiles, and watercraft thereon, for reward or compensation, any goods, commodities, safety and health care facilities, fire fighting and prevention facilities, and services convenient or useful to the owners, operators and users of any watercraft, machines, and automobiles, and to persons upon property owned, leased or controlled by the corporation, including, but not limited to, food, lodging, shelter, lawful drinks, confections, oil, gasoline, motors and watercraft, motor and watercraft parts and equipment, guard services, space in buildings, space for buildings and structures, communication facilities, telephone systems, and the services of mechanics, repairmen and technicians;

(n) To charge fees for admission to any of its properties;

(o) To borrow money on such terms as are acceptable to the corporation for any corporate purpose and to execute and deliver its promissory note or notes and such other agreements as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness;

(p) To sell, exchange and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful, subject to the approval of the directors of the corporation;

(q) To procure and agree to the procurement of insurance or guarantees from the United States of America or any agency of instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by the corporation, and to pay premiums or fees for any such insurance or guarantees;

(r) To enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this act, and other applicable laws of the state that

may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state, the county or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of the corporation;

(s) To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, planning consultants, fiscal advisors, architects, accountants, financial experts, fiscal agents, managers and such other advisors, consultants and agents as may in its judgment be necessary or desirable as the business of the corporation may require, including the power to fix working conditions by general rule or other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will;

(t) To fix, establish, collect and alter landing fees, docking fees, tolls, rents, and other charges for the use of any facility or other property owned or controlled by the corporation;

(u) To make and enforce rules and regulations governing the use of any property or facility or other property owned or controlled by the corporation;

(v) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(w) To enter into a management contract or contracts with any person, firm or corporation, whether public or private, for the management, supervision or operation of all or any part of its facilities as may in the judgment of the corporation be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this act;

(x) To invest its monies (including, without limitation, the monies held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds or notes and proceeds from the sale of any of its bonds or notes) not required for immediate use in:

(1) Any debt securities that are directed, general obligations of the United States of America,

(2) Any debt securities, the payment of the principal or any interest on which is unconditionally guaranteed by the United States of America,

(3) Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States

of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation, and

(4) Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by the corporation;

(y) To issue its bonds for the purpose of carrying out any of its powers and to apply proceeds from the sale of its bonds not only for payment of interest thereon prior to and during the construction and equipment of any buildings, structures, facilities or other improvements being financed thereby but also to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

(z) To mortgage and pledge any or all of its projects or any part or parts thereof, as security for the payment of the principal, interest and premium, if any, on any bonds so issued and any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof;

(aa) To exercise the power of eminent domain in the manner provided in and subject to the provisions of the "Alabama Eminent Domain Code."

(bb) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of the competitive bid laws then in effect in the state of Alabama that might otherwise be applicable.

(cc) To lend upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds, notes or obligations to a user, whether pursuant to one or more loan agreements or in conjunction with the lease or sale of one or more facilities to such user or the purchase of any authorized purpose obligation relating to a facility or facilities operated by such user, for one or more or any combination of the following purposes:

(1) To enable such user to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such user may then have in any facility or facilities;

(2) To enable such user to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

(3) To enable such user to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expending or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such user or is to be acquired or leased by such user; and

(4) To enable such user to borrow working capital for use in the operation of one or more facilities,

(dd) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this act.

Section 7. (a) All bonds issued by the corporation shall be payable solely out of the revenues and receipts derived from the leasing or sale by the board of its projects or of any thereof as may be designated in the proceedings of the board under which the bonds shall be authorized to be issued.

(b) The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the corporation from which the revenues or receipts so pledged may be derived. The resolution under which the bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the board shall deem advisable and which are not in conflict with the provisions of this act. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust or trust indenture executed as security therefor,

such default may be enforced by mandamus, the appointment of a receiver or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for a said instrument, be had.

(c) All bonds issued by the corporation shall be signed by the president of its board and attested by its secretary, and the seal of the corporation shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereof, and a facsimile of the signature of the president of the board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) Any such bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The corporation may pay all expenses, premiums and commissions in connection with any financing done by it. All bonds, except bonds registered as to principal thereto issued by the corporation shall be construed to be negotiable instruments although payable solely from a specified source.

(e) All obligations created or assumed and all bonds issued or assumed by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the state or of any county or municipality; provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the corporation. Any bonds issued by the corporation shall be limited or special obligations of the corporation payable solely out of the revenues and receipts of the corporation specified in the proceedings authorizing those bonds.

(f) Bonds of a corporation are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's

authority, and for savings banks and insurance companies organized under the laws of the state.

Section 8. All moneys derived from the sale of any bonds issued by the corporation shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the use of bond proceeds to establish reserve funds as security for the payment of the principal of (and premium, if any) and interest on the bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, and except in the case of refunding bonds, interest to accrue on such bonds for a period ending not later than two years from their date.

Section 9. Any bonds issued by the corporation may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such refunding. Any refunding bonds may be sold by the corporation at public or private sale at such price or prices as may be determined by its board to be most advantageous, or may be exchanged for the bonds or other obligations to be refunded. Any such refunding bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board.

Any refunding bonds issued by the corporation shall be issued and may be secured in accordance with the provisions of section 7, hereof.

Section 10. Upon the adoption by the board of the corporation of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general

circulation in Walker County, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the president or secretary of such corporation. "_____, a public corporation under the laws of the state of Alabama, on the _____ day of _____, authorized the issuance of $_____ principal amount of bonds of the said public corporation for purposes authorized in the act of the legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of any pledge and mortgage and deed of trust or trust indenture made thereof, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds or the said pledge or mortgage and deed of trust or trust indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledge, mortgage, and deed of trust or trust indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. The corporation and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the state of Alabama, including, without limitation, ad valorem, sales, excise, license and privilege taxes; provided, however, this exemption shall not be construed to exempt concessionaires or lessees of the authority from the payment of any taxes, including licenses, privileges, or sales taxes levied by the state, county or any municipality. The certificate of incorporation of the corporation, the certificate of dissolution, all deeds or other documents whereby properties are conveyed to the corporation and all deeds, indentures or leases executed by the corporation may be filed for record in the office of the judge of probate of Walker County and, if necessary, in the office of the secretary of state, without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instrument.

Section 12. Walker County shall not in any event be liable for the payment of the principal of or interest on any bonds of the corporation or for the performance of any pledge, mortgage, obligation

or agreement of any kind whatsoever which may be undertaken by the corporation, and none of the bonds of the corporation or any of its agreements or obligations shall be construed to constitute an indebtedness of Walker County within the meaning of any constitutional or statutory provision whatsoever.

Section 13. The corporation shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates.

Section 14. The corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the corporation, then any net earnings of the corporation thereafter accruing shall be paid to Walker County.

Section 15. At any time when the corporation has no bonds or other obligations outstanding, its board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate of Walker County, the corporation shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to Walker County.

Section 16. The existence of a corporation incorporated under the provisions of this act shall prevent the subsequent incorporation hereunder of another corporation pursuant to authority granted to such corporation.

Section 17. The contracts of the corporation shall be executed in the name of the corporation by the president of the corporation and attested by the secretary of the corporation. Except for bonds it is not required that the seal be impressed or printed on contracts. It is further provided hereby that, except for bonds, the corporation may provide by resolution for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the president and secretary. But in no event shall a contract, irrespective of the form and of the person executing the same, be binding unless such contract was authorized or ratified by the corporation.

Section 18. Walker County or any municipality within the county, is authorized, but not required, to lease, sell, donate or otherwise convey to the corporation, real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of said county, the municipality, and the governing body of said county or any municipality within the

county, and is hereby authorized to enter into any agreements which such corporation may deem necessary in order to effectuate such lease, sale, donation, or transfer. The governing body of Walker County, or any municipality within the county, is further authorized to covenant with the corporation, which covenant shall likewise constitute a contract with the holders of any revenue bonds, notes or other obligations thereafter issued by the corporation, that it will not acquire, construct or operate or permit the acquisition, construction or operation within the municipality or county, of any facility in competition with the corporation so long as any of the bonds, notes or other obligation of the corporation shall remain outstanding.

Section 19. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are hereby repealed.

Section 21. The provisions of this act shall take effect upon the conveyance of the state docks in Cordova to the Walker County Commission as authorized by Amendment No. 454 to the Constitution of Alabama of 1901.

Approved July 21, 1987

Time: 4:14 P.M.

Act No. 87-454 S. 570—Senators Bishop and deGraffenried

AN ACT

Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session (Acts 1981, p. 88) as amended by Act No. 85-571, H. 1005, 1985 First Special Session (Acts 1985, p. 875), relating to the compensation and expense allowance for the Sheriff of Tuscaloosa County, so as to further provide for an additional expense allowance and expiration date therefor and the Sheriff's compensation, in the next term of office for Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session (Acts 1981, p. 88) as amended by Act No. 85-571, H. 1005, 1985 First Special Session (Acts 1985, p. 875) are hereby amended to read as follows:

"Section 1. The Sheriff of Tuscaloosa County shall receive an additional expense allowance of $10,000.00 per annum, payable in

equal monthly installments. Said expense allowance shall be in addition to all other compensation, expense allowances or benefits granted to the Sheriff.

"Section 2. Beginning with the next term of office, the expense allowance paid to the Sheriff as provided in Section 1 shall be null and void. In lieu thereof the Sheriff shall receive an additional compensation of $10,000.00 per annum. Said compensation shall be in addition to all compensations, expense allowances or benefits received."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:15 P.M.

Act No. 87-455 S. 493—Senator deGraffenried

AN ACT

Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, which provides for the adjustment of benefits for sickness or other disabilities, or retirement for disability, so as to provide revised amounts for monthly benefits for temporary disability arising as a result of service in departments or any disability occurring after ten years of service in the departments, and retirement for permanent disability, amend the payments to dependents, clarify the limitations on amount of pension benefits, and to provide certain benefits to individuals who are receiving benefits under Act No. 187, S. 339, 1951 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 20, 23, 25 and 29 of Act No. 328, H. 854, 1959 Regular Session, as amended, are further hereby amended to read as follows:

"Section 20. Weekly benefits for sickness or other disability; retirement for disability.

"When any fireman or policeman shall be confined to his bed, under the necessary care of a physician, by reason of sickness or other disability not otherwise provided for, for as long a period as fifteen days, the said Board of Trustees shall direct the payment to such fireman or policeman from such fund the sum of One Hundred Dollars ($100.00) weekly while so confined, not to exceed in any event twelve weeks; provided, however, that if such policeman or fireman has been in the service of the department of which he is a

member for a period of ten years or more, and the Board of Trustees shall determine at the end of such twelve weeks that such disability is, or has become permanent, they shall retire such disabled person and place him upon the pension roll, and his benefit shall be determined and paid pursuant to Section 23 of this act; provided further, that such fireman or policeman shall not be entitled to any benefits or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious habits, or during such time as he shall receive his regular compensation from such city. This section shall not impair the right of any fireman or policeman to receive benefits under Act No. 570, H. 82, 1967 Regular Session."

"Section 23. Monthly Benefits for Temporary Disability Arising (1) as a Result of Service in Department, or (2) after Ten Years of Service in Department; Retirement for Permanent Disability.

"Whenever the Board of Trustees shall determine that any fireman or policeman has become temporarily disabled, mentally or physically, for service in the department of which he is a member, and that such disability arose either (1) from any injury received or accident occurring while engaged in the performance of his duty or is otherwise a direct result of his service in such department, or (2) for any reason other than any disability caused by dissipation, immoral conduct or vicious habits and after such fireman or policeman has completed ten years of service in the department of which he is a member, then the Board of Trustees shall order that such disabled fireman or policeman be paid monthly out of such funds, during the period of disability, a sum equal to sixty-five percent (65%) of the monthly compensation paid such fireman or policeman as salary at the time of his having become so disabled; provided, that any benefits payable under this section shall be reduced by an amount equal to the amount, if any, which the beneficiary shall receive from such city as salary. The Board of Trustees shall be the sole judge of the extent and cause of any such disability and of the time when such disability has ceased to exist, and the Board's determination thereof shall be final.

"Whenever the Board of Trustees shall determine that such disability is or has become permanent, they shall retire such disabled person and place him upon the pension roll and pay him a monthly pension equal to sixty-five percent (65%) of the monthly compensation paid such fireman or policeman at the time of his having become so disabled. It is provided, however, that the minimum monthly benefit payable hereunder for permanent disability, to those persons who have contributed to the fund for 10 but less than 15 years shall be Three Hundred Fifty Dollars ($350.00); the minimum monthly benefit to those persons who have contributed for 15 years

but less than 20 years shall be Four Hundred Dollars ($400.00); and the minimum monthly benefit to those persons who have contributed to the fund for 20 years or more shall be Five Hundred Dollars ($500.00). The minimum benefits under this section shall not be limited by Section 29 of this act.

"The maximum monthly benefit payable hereunder for permanent or temporary disability to those persons disabled as a result of service who have contributed to the fund for up to 15 years, and the monthly benefit payable hereunder for the permanent or temporary disability for those disabled while not in service and who have contributed to the fund for 10 but less than 15 years shall be Nine Hundred Dollars ($900.00); the maximum monthly benefit to those persons who have contributed for 15 years but less than 20 years shall be One Thousand Fifty Dollars ($1,050.00); and the maximum monthly benefit to those persons who have contributed to the fund for 20 years or more shall be One Thousand Two Hundred Dollars ($1,200.00).

"The percentages set forth in this section shall be increased by resolutions adopted before January 1, 1987. In addition, the percentages and the maximum limitations set forth in this section may be adjusted by resolution of the Board of Trustees adopted after that date pursuant to Section 29 of this act."

"Section 25. Payments to Dependents of Member.

"For the purposes of this section, children of any policeman or fireman who are under the age of 18 years or under the age of 23 years and full-time students at a post-secondary educational institution, and the surviving spouse of any policeman or fireman while unmarried shall be conclusively presumed to be dependent upon such fireman or policeman.

"If any fireman or policeman shall (1) while in the performance of his duty, be killed, or die as a result of any injury received in the line of his duty, or shall die from any cause whatsoever as the result of his service in such department and while in such service; or (2) after having served in such department for more than 10 years, the last five years of which were consecutive, die from any cause while in service or on the retired or disabled list, and shall leave a surviving spouse (if retired, to whom he was married at the time of his retirement) surviving him, and dependent upon him as defined above, the Board of Trustees shall direct the payment to such surviving spouse monthly during his or her natural life, and while unmarried and dependent on such payment, a sum equal to twenty-five percent (25%) of such fireman's salary if a fireman, and twenty-five percent (25%) of such policeman's salary if a policeman. If such fireman or policeman leaves surviving him a child or children under 18 years

of age or under the age of 23 years and a full-time student at a post-secondary educational institution, said Board shall direct the payment monthly from such fund to their surviving parent, whether married or unmarried, for the child's use and benefit, an amount equal to fifteen percent (15%) of such policeman's or fireman's salary at the time of his death for each child eligible to receive benefits as defined above, not to exceed in the aggregate an amount equal to forty-five percent (45%) of such salary, so long as such child or children live with their surviving parent, or under their control. If such child or children have no surviving parent, or such surviving parent dies during the time such child or children are entitled to such benefit, such sum may be paid by the Board of Trustees to the person having control and custody of such child or children or to such other person as said Board of Trustees may direct, to be expended by such person for the benefit of such child or children as may be prescribed by said Board of Trustees. Should such deceased fireman or policeman leave no surviving spouse or child entitled to benefits as hereinabove set out, but one widowed parent entirely dependent upon him for support, said Board of Trustees shall pay to him or her monthly during his or her natural life and so long as he or she remains unmarried, a sum equal to twenty-five percent (25%) of such fireman's monthly salary, if a fireman, and a sum equal to twenty-five percent (25%) of such policeman's monthly salary, if a policeman. The percentages set forth in this section shall be increased by resolutions adopted before January 1, 1987. In addition, the percentages may be adjusted by any resolution of the Board of Trustees adopted after that date pursuant to Section 29 of this act. The maximum monthly benefit payable hereunder for a surviving spouse with no dependent children shall be Seven Hundred Dollars ($700.00); for a surviving spouse with one dependent child, Nine Hundred Fifty Dollars ($950.00); and for a surviving spouse with two or more dependent children, One Thousand Two Hundred Dollars ($1,200.00). These maximum benefits may be increased pursuant to Section 29 of this act.

"Section 29. Limitations on Amount of Pension Benefits.

"Under no circumstances shall any retired fireman or policeman be paid a pension or other benefit in excess of the following:

"A. For those presently on the retired list, the monthly pension shall not exceed the lesser of (1) or (2) below:

"(1) A sum equal to two and six-tenths percent (2.6%) of the amount of his "pension base" (calculated as of time of retirement in accordance with the provisions of Section 18 as amended) multiplied by the number of entire years he has served in the department of which he was a member.

"(2) The sum of One Thousand Five Hundred Twenty-Nine Dollars ($1,529.00); provided, however, that the said $1,529.00 limitation, only with regard to any retired fireman or policeman who has contributed to the fund for 25 years or more, may be increased [not to exceed the limitation in (1) above] or decreased by the Board of Trustees in such amount as an actuarial study may indicate is justified by the fund's condition.

"B. For any policeman or fireman retired after the effective date of this act, the monthly pension shall not exceed the lesser of (1) or (2) below:

"(1) A sum equal to two and six-tenths percent (2.6%) of the amount of his "pension base" at the time of his retirement multiplied by the number of entire years which the employee has, both, served in the department in which he is a member and has contributed to the fund.

"(2) The sum of One Thousand Five Hundred Twenty-Nine Dollars ($1,529.00); provided, however, that the said $1,529.00 limitation may be increased [not to exceed the limitation in (1) above] or decreased by the Board of Trustees in such amount as an actuarial study may indicate is justified by the fund's condition.

"Any increase in the One Thousand Five Hundred Twenty-Nine Dollar ($1,529.00) limitation hereinabove authorized to be made by the Board of Trustees shall apply equally to paragraphs "A" and "B" above and shall be made by resolution duly spread upon its minutes, and no such increase shall be authorized unless and until an actuarial evaluation, made by some person, firm, or corporation experienced and nationally recognized in the field of actuarial evaluation, indicates the financial soundness of such increase. For the advice of the Board, such actuarial evaluation shall be requested at intervals, not exceeding 24 months. The amount set forth in A(2) and B(2) shall not be increased by any resolution adopted before January 1, 1987. However, the amount may be adjusted by resolution of the Board of Trustees adopted after that date and based upon the actuarial studies provided herein.

"C. If an actuarial study provided above indicates that the fund's condition so warrants, the Board of Trustees may grant a percentage increase of all pensions and benefits payable under this act. The Board may grant different percentage increases to different classes of beneficiaries, but all members of a class must receive the same increase. If an actuarial study provided above indicates that the fund's condition so warrants, the Board of Trustees may grant a percentage increase (by classes of beneficiaries) in any maximum limitation set forth in this act. Each such increase may, but need not, be equivalent to the increase granted to all other pensions and

benefits under this act. This act shall not affect any increases in benefits or limitations previously granted.

"D. Any persons under the coverage of the pension plan who have contributed to the fund for 15 years or more shall have their benefits immediately increased to not less than Five Hundred Dollars ($500.00) or such other amount provided by resolution of the Board of Trustees.

"E. Any individuals who are receiving benefits of the Firemen's and Policemen's Pension and Relief Fund created by Act No. 187, S. 339, 1951 Regular Session, as amended, shall, upon passage of this act, become beneficiaries under the Firemen's and Policemen's Pension Fund created by Act No. 328, H. 854, 1959 Regular Session, and their total monthly benefits shall increase to Three Hundred Dollars ($300.00), including payments under both Act No. 187, S. 339, 1951 Regular Session, and this act. This subsection shall not be construed to increase or modify any benefits of any individuals other than those who are receiving benefits under Act No. 187, S. 339, 1951 Regular Session."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 4:16 P.M.

Act No. 87-456 S. 295—Senator Barron

AN ACT

Relating to the City of Scottsboro, Alabama; to prohibit the hunting of ducks, geese and all other waterfowl within certain areas of the Roseberry Embayment.

Be It Enacted by the Legislature of Alabama:

Section 1. All hunting of ducks, geese and waterfowl of any kind within 150 yards of the shoreline of any residential or populated area is expressly prohibited on or over the waters of or within the Roseberry Embayment, being in Sections 4, 5, 6, 7, 8, 17 and 18, Township 5, South, Range 6 East; Sections 12 and 13, Township 5 South, Range 5 East; and Sections 27, 28, 31, 32 and 33, Township 4 South, Range 6 East, City of Scottsboro, Jackson County, Alabama.

Section 2. Any person violating the provisions of this act shall be punished in accordance with Section 9-11-246, Code of Alabama 1975, as amended.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 21, 1987

Time: 3:32 P.M.

Act No. 87-457 S.J.R. 94—Senators Rice, Bedford, Campbell, Sanders, Bennett and Hale

SENATE JOINT RESOLUTION

CONTINUING THE JOINT GOVERNOR'S-LEGISLATIVE TASK FORCE ON CHILD DAY CARE.

WHEREAS, HJR 89 of the 1986 Special Legislative Session created the Joint Governor's-Legislative Task Force on child day care; and

WHEREAS, there is a need to further investigate statewide issues and needs in child day care and to develop a comprehensive child day care plan for Alabama; and

WHEREAS, there continues a great need for the continuation of Task Force's work; and

WHEREAS, there is a continuing need to serve as a resource to the Governor and to the Legislature on child day care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Governor's-Legislative Task Force on child day care, created by Act 86-672, HJR 89 of the 1986 First Special Session (Acts of 1986 First Special Session, p. 65) is hereby continued as herein provided.

The Joint Governor's-Legislative Task Force on child day care shall continue to be charged with the responsibility of studying the

following specific problems and making recommendations as to potential solutions:

1. Accessibility and affordability of child day care;

2. Education-public awareness of child day care as a basic necessity and a positive program;

3. Quality in child day care; and

4. Supportive networks-partnerships to increase child day care resources.

The twenty (20) original appointed members of the Task Force were appointed as follows:

Eight (8) members appointed by the Governor (to include at least one member of the staff of the State Department of Human Resources, one member of the State Department of Education, and one member of the State Department of Health);

Four (4) non-legislative members, who are service providers in the day care industry, appointed by the Joint Legislative Study Committee on Children and Youth;

Four (4) members appointed by the Lieutenant Governor, of whom three shall be members of the Alabama Senate;

Four (4) members appointed by the Speaker of the House, of whom three shall be members of the Alabama House of Representatives.

All original members shall continue to be members on the Task Force. Any vacancies occurring in any position of the twenty (20) person original Task Force membership shall be filled in the same manner as the original appointments were made.

In addition, seven (7) new task force members shall be appointed to serve as follows:

(a) Three (3) persons appointed by the governor, one (1) of which must be a service provider in the day care industry; and

(b) Two (2) persons appointed by the Lieutenant Governor, one (1) of whom must be a service provider in the day care industry; and

(c) Two (2) persons appointed by the Speaker of the House, one (1) of whom must be a service provider in the day care industry. Any vacancies occurring in the seven additional memberships shall be filled in the same manner as the original appointments.

The Governor shall serve as an ex officio member;

The Commissioner of the State Department of Human Resources shall also serve as an ex officio member.

BE IT FURTHER RESOLVED, That this Task Force work cooperatively and share information with the Joint Legislative Study committee on Children and Youth.

BE IT FURTHER RESOLVED, That the legislative members shall receive their regular expense, travel and per diem allowances for each day the committee meets, upon approval by the chairman on warrants as provided by law, and shall be payable from any funds appropriated for use of the Legislature, but not to exceed five thousand dollars per annum, members must attend said meeting in order to be paid.

RESOLVED FURTHER, That said Task Force shall report its further findings and recommendations to the Governor and the Legislature on the first day of the 1988 Legislative Session whereupon it shall stand discharged from all duties and dissolved.

Approved July 21, 1987

Time: 5:25 P.M.

Act No. 87-458 S.J.R. 179—Senators Figures and Menton

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF THE REVEREND MARSHALL FOCH ROBINSON OF MOBILE, ALABAMA.

WHEREAS, the Alabama Senate grievously records the death of the Reverend Marshall Foch Robinson of Mobile, Alabama, on July 10, 1987, at the age of 67 years; and

WHEREAS, Mr. Robinson, one of our States most prominent church leaders and 1972 Religious Leader of the Year, was a graduate of Tuskegee University with the B.S. degree and of Virginia Union University where he received the Bachelor of Divinity degree in 1953; he was awarded the Master of Theology degree from Virginia College in Lynchburg and received an honorary Doctor of Divinity degree from Selma University; and

WHEREAS, a United States Army veteran of World War II and former pastor of the First Baptist Church of Covington, Virginia, for 20 years, Mr. Robinson succeeded his father as pastor of Mobile's Franklin Street Baptist Church in 1973; and

WHEREAS, Mr. Robinson, in further distinguished service to the ministry, served as executive secretary of the Alabama Baptist

State Convention; was founder and president of the Alabama Interdenominational Seminary; taught at Inter-Baptist Ministries in Mobile; and was a member of the Interdenominational Ministerial Alliance; and

WHEREAS, he also rendered invaluable community service by providing distinguished leadership in many capacities on both state and local levels; and

WHEREAS, he was a member (since 1975) and vice president of the Mobile Transit Authority; served twice as chairman of Mobile United; and was a member of the West Mobile Kiwanis Club, Community Chest Executive Board, the Blue Lodge and Consistory and Palestine Temple Shriners; and

WHEREAS, Mr. Robinson additionally was a 33rd degree Mason and was Worthy Patron of Marie V. Dixon Chapter No. 875, OES; he had served as well on the boards of directors of a number of organizations concerned with the needs of the elderly, and was involved in such areas as the arts, education, benevolence and other worthy endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of the Reverend Marshall Foch Robinson of Mobile, Alabama, and extend our sympathy to his beloved wife, Mrs. Jessie W. Robinson; his daughter and son, Nanette Martin and Marshall Foch Robinson, Jr.; his mother, Mrs. Mittie K. Robinson; and to other family members, whose deep sorrow also is ours and for whom a copy of this resolution shall be provided.

Approved July 21, 1987

Time: 5:26 P.M.

Act No. 87-459 H.J.R. 249—Rep. Parker

HOUSE JOINT RESOLUTION

ENCOURAGING THE LOCAL DISTRICT ATTORNEYS TO GIVE GREATER PRIORITY TO ENFORCEMENT OF THE CHILD CARE ACT OF 1971, REGARDING THE OPERATION OF UNLICENSED OR OUT-OF-COMPLIANCE CHILD DAY CARE FACILITIES, AND FURTHER, REQUESTING THE ATTORNEY GENERAL'S OFFICE TO ENCOURAGE LOCAL DISTRICT ATTORNEYS TO GIVE GREATER PRIORITY TO ENFORCEMENT OF THE CHILD CARE ACT OF 1971, AND WHEN SPECIFIC FAILURE TO ACT IS BROUGHT TO THE

ATTENTION OF THE ATTORNEY GENERAL THAT HE TAKE APPROPRIATE LEGAL STEPS NECESSARY TO INSURE COMPLIANCE.

WHEREAS, pursuant to the Report of the Joint Governor's/ Legislative Task Force on Child Day Care (April 1987), Alabama's Child Care Act of 1971 is the only mechanism that protects the health and safety of children in child day care; and

WHEREAS, Alabama's Child Care Act of 1971 is the only mechanism that provides parents consumer protection; and

WHEREAS, the jurisdiction of the Department of Human Resources licensing ends when information concerning compliance violations is reported to the local District Attorney's office; and

WHEREAS, cooperation from the State Attorney General and Local District Attorneys is necessary to carry out the legislative intent of the 1971 Child Care Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage and strongly urge the local District Attorneys to give greater priority to enforcement of the Child Care Act of 1971, regarding the operation of unlicensed or out-of-compliance child day care facilities in particular.

RESOLVED FURTHER, That the Attorney General's office encourage local District Attorneys to give greater priority to enforcement of the Child Care Act of 1971, and when specific failure to act is brought to the attention of the Attorney General that he take appropriate legal steps necessary to insure compliance.

RESOLVED FURTHER, That a copy of this resolution be sent to the Attorney General and to each district attorney of this state.

Approved July 21, 1987

Time: 7:30 A.M.

Act No. 87-460 H.J.R. 474—Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on the 29th Legislative day, that we adjourn to meet again on August

3, 1987, and that when we adjourn on August 3, 1987, we adjourn sine die.

Approved July 21, 1987

Time: 5:30 P.M.

Act No. 87-461 H.J.R. 438—Rep. Freeman

HOUSE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY METROPOLITAN-GOVERNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study Metropolitan-Government. Said committee shall be composed of eight members who shall be appointed from the Legislature. The Speaker of the House shall appoint four members and the Lieutenant Governor shall appoint four members from the House and Senate respectively. The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The committee shall study all facets of Metropolitan-Government including but not limited to the constitutional and statutory authority to authorize the merger of a county and an incorporated municipality or municipalities therein into a single entity, the functions and responsibilities in providing services and facilities to both urban and rural citizens, the financial and fiscal impact, the political, corporate and economic functions of such government, and the operation of such government where it exists in other states by visiting such states.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of each regular session remaining in the current term of the Legislature. The committee shall terminate at the expiration of the current term of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the

committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed $4,000.00 per year.

Approved July 21, 1987

Time: 5:31 P.M.

Act No. 87-462 H.J.R. 311—Reps. Hettinger, Zoghby, Seibels and Starkey

HOUSE JOINT RESOLUTION

TO CONTINUE THE JOINT INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

WHEREAS, under the provisions of the Act No. 86-526 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee has submitted its report to the Legislature.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns; and

WHEREAS, the current Legislature has adopted several bills studied by the Committee and will no doubt adopt several additional pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by

the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to analyze the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the impact of reduced federal funds and the problems to municipalities created thereby; the study to suggest methods whereby municipalities may continue furnishing services notwithstanding the reduction of federal assistance; the study also to include a review of the block grant delivery system of federal assistance.

2. A study and assessment of the problems faced by municipalities because of the mounting problems connected with sanitary sewage (waste water) disposal and a suggested avenue of meeting the tremendous expenses connected with such disposal; and a suggested funding mechanism to cover the cost of disposal.

3. A study of hazardous waste disposal and suggested solutions of the problems created by hazardous wastes.

4. A study of the infrastructure needs of Alabama towns and cities with particular emphasis on the study of road and street systems and their maintenance and repair.

5. A review with recommendations as to how municipalities can best improve the delivery of services of all types to their citizens.

BE IT FURTHER RESOLVED, That the Committee shall be appointed during the 1987 Regular Session and shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1988 Regular Session of the Alabama Legislature and a final report to be submitted during the 1988 Regular Session of the Alabama Legislature and that as far as practical that all meetings of the Committee shall be held in the State House Building or in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend

funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of $4,000.00 dollars. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed in this resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved July 21, 1987

Time: 5:32 P.M.

Act No. 87-463 H.J.R. 99—Rep Harvey

HOUSE JOINT RESOLUTION

CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.

WHEREAS, the Alabama Legislature is concerned about the health and environmental problems related to the disposal of scrap tires which requires further study in depth and these require positive recommendations to the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the state legislators sound, workable, financially feasible and economically possible methods of disposing scrap tires by the most healthful and environmentally safe procedure there is hereby organized a Joint Interim Committee on the Disposals of Scrap Tires, to be composed of eight (8) members of the Legislature: four (4) members from the House to be appointed by the Speaker

of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. In addition to the legislative members, the following nonvoting members, from the public, shall be: The president, the vice-president and the executive director of the Alabama Tire Dealers' Association, and a total of three tire dealers, with one dealer from each the central, southern and northern regions, all of whom shall be selected by the executive director of the Alabama Tire Dealers' Association, and one representative of a tire manufacturer's facility in Alabama, to be appointed by the chairman of committee. These nonvoting members shall serve without pay and shall give such expertise and perform such tasks as may be assigned by the full committee. It shall be the duty and function of the committee to analyze the present status of disposal of scrap tires and to make recommendations for legislative revision which it considers necessary or desirable to enable the state to more adequately meet and furnish the services and requirements of the citizens in a safe, healthful and environmentally sound manner.

In reviewing the status and the pertinent laws in Alabama, the committee shall consider and make studies of relative hazardous waste disposal laws and regulations at both the state and federal levels, together with associated problems.

RESOLVED FURTHER, That the committee shall elect a chairman and cochairman from among the voting members and shall elect officers from among the membership. The committee shall provide for their own rules of procedure to conduct its business and shall meet at the call of the chair.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the committee, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the committee shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars ($7,500).

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations by the fifth legislative day of the 1988 Regular Session at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

Approved July 21, 1987

Time: 5:33 P.M.

Act No. 87-464 H.J.R. 119—Rep. Ford

HOUSE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The Committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The Committee shall study all aspects due to the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This Committee shall study the crucial issues facing the steel industry in Alabama and recommend ways in which the State of Alabama can assist the industry to resolve these special problems. The Committee's review, while specifically directed to the area of financing and capital formation, environment and imported steel, may include other topics as well.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed 7,500.

Approved July 21, 1987

Time: 5:34 P.M.

Act No. 87-465 H.J.R. 207—Rep. Turner

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the intent of the Legislature regarding Act 81-451, H. 839 of the 1981 Regular Session (Acts of 1981, p. 792), entitled the Mobile County Litter Control Act was that the jurisdiction of the Mobile County Litter Patrol shall be confined to the right-of-way of the county road system of Mobile County. It was the further intent of the Legislature that the Mobile County Litter Patrol cannot go on private property unless requested by the property owner.

Approved July 21, 1987

Time: 5:35 P.M.

Act No. 87-466 H.J.R. 359—Rep. Drake

HOUSE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND U. S. CONGRESS TO SUPPORT THE IMPLEMENTATION OF THE UNITED STATES DEPARTMENT OF AGRICULTURE'S AFRICANIZED BEE BARRIER PROPOSAL.

WHEREAS, the Africanized bee quickly supplanted European stock, expanding their range 200 to 300 miles a year from the original epicenter in Brazil (1957), and have now reached Guatemala and are soon to cross over into Mexico if this has not already occurred; and

WHEREAS, leading scientific experts have indicated that, if the Africanized bee continues to advance as predicted, it will be in the United States by 1990; and

WHEREAS, studies in Venezuela, Colombia, and Central America found that the bee has retained virtually all of its African characteristics as it has spread; and

WHEREAS, the Africanized bee has the potential to have a devastating impact on Alabama's agricultural industry and to threaten public health and safety; and

WHEREAS, Alabama ranks high in the nation in honey production; and

WHEREAS, assuming pure European stock can still be produced in Alabama after Africanized bees become established, research has shown that the European bees may be unable to compete with a potentially high density of wild Africanized bees foraging on the limited pollen and nectar sources; and

WHEREAS, Africanized bees could have a serious effect on the commercial beekeeping industry for queen and package bee production as well as honey production; and

WHEREAS, a substantial number of cases have been reported in which animals and people have been severely or fatally stung because of the abundance and special behavioral characteristics of the Africanized bee; and

WHEREAS, the public could encounter Africanized bees in the form of wild colonies and swarms in urban and suburban areas as well as rural areas where increased incidences of stinging could occur; and

WHEREAS, public awareness programs, as well as continuous permanent programs to control wild colonies of Africanized bees would need to be established by public agencies at a great expense to the taxpayer; and

WHEREAS, to date, the Africanized bee has not been eradicated from any area in which it has become established; and

WHEREAS, the United States Department of Agriculture's Agriculture Research Service and Animal and Plant Health Inspection Service have developed the Africanized Bee Barrier Proposal not as the ultimate solution, but as a way to provide our scientists with the time needed for research to be completed to provide a long-term genetic solution; and

WHEREAS, recent sightings indicate that the Africanized bee has migrated up to the barrier point proposed by the United States Department of Agriculture which may make any delay in implementing the barrier proposal more hazardous; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully memorialize the President and the Congress of the United States to give their full support to the speedy implementation of the United States Department of Agriculture's Africanized Bee Barrier Proposal by appropriating the funds necessary from the department's current 1986-87 budget.

BE IT FURTHER RESOLVED, That we respectfully memorialize the legislatures of the States of Arizona, Florida, Illinois, Kansas, Louisiana, North Carolina, Ohio, South Carolina and Texas

to act expeditiously in memorializing the President and the Congress of the United States to give their full support to the speedy implementation of the United States Department of Agriculture's Africanized Bee Barrier Proposal.

RESOLVED FURTHER, That the Clerk of the House of Representatives transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from Alabama in the Congress of the United States, and to the respective leaders of the legislatures of the States of Arizona, Florida, Illinois, Kansas, Louisiana, North Carolina, Ohio, South Carolina and Texas.

Approved July 21, 1987

Time: 5:36 P.M.

Act No. 87-467 H. 826—Rep. Lindsey

AN ACT

Relating to Cherokee County; to create a license-issuing division or office within the offices of the county courthouse for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail, such fees shall be set by the county commission, from time to time, to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes, the issuance of licenses by such license-issuing division; to provide for the performance of certain duties heretofore performed by the tax collector, tax assessor and probate judge by said division in the office as designated by the county commission; to provide for certain compensation for any interim; and to provide for a referendum and the county commission passing a resolution; and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is created within the Cherokee County courthouse a license division or license commissioner office as determined by the county commission. The county commission shall furnish suitable quarters and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall insure the office has sufficient help and shall provide such clerks, and other assistants for said office, as shall be necessary from time to time, for the proper and efficient performance of the duties of his office. The designated officer shall have authority to employ such

clerks, and other assistants, and to fix their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county commission. The compensation of the clerks and assistants shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The license division shall perform all duties relating to the assessment and collection of taxes on motor vehicles in the county and issue applications for Certificates of Title on vehicles, which have heretofore been performed by the tax collector, tax assessor and the probate judge. The probate judge of Cherokee County is hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles. The license division shall receive the commissions and fees heretofore allowed the tax collector, tax assessor and probate judge for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such tax shall be made at the same time as other reports and remittances are now made.

Section 3. The county commission shall designate the officer who shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that other license issuers are required to do under general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that other license issuers are required to account for by law.

Section 4. The designated officer shall be entitled to charge and collect the same fees that are provided for by law. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake of fact or law shall be under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the license division or license commissioner until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the tax collection authority. Every person, firm or corporation driving or owning a motor vehicle, who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said license division or license

commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicle can be assessed, the license division shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said officer shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said licensing officer shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed.

Section 7. The license division or license commissioner may, at his discretion, mail a notice or an application for renewal of licenses to whom such license has been previously issued. Such notice or renewal forms may be in postcard form and with sufficient information thereon to adequately identify and process such renewal. In the event of a mail order system, the signature of the licensee thereon and proper remittance shall constitute sufficient authority for the license division to issue such license and return to the licensee by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be set from time to time by the county commission to pay the cost of the mailing procedure herein provided, and such fee shall be collected by the officer at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 8. The provisions of this act shall become effective upon the establishment of a license division or office of license commissioner in Cherokee County in the sole discretion of the county commission, pursuant to the provisions of this act and a resolution by said county commission, at a referendum called for such purpose. If such office fails to be established under this act, then, this act shall have no further force or effect.

Section 9. The provisions of this act shall become operative in Cherokee County, only if they are first approved by a majority of the qualified electors of said county, who vote thereon, in a referendum election. Said election may be concurrent with a valid

local, county, special or state election held pursuant to the provisions of this act, at which time the question shall be submitted substantially as follows: "Shall Act No. ____ of the 1987 Regular Session of the legislature (here insert the number of this act) which provides for establishing the license division of Cherokee County as designated by the resolution of the county commission be approved? Yes ____ No ____."

If a majority of the qualified votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election shall be given by the county commissioners of Cherokee County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified. Provided, however, that any county-wide election called, for the purposes of this act, shall be sufficient for the local election.

Section 10. In the discretion of the county commission, pursuant to resolution passed at a meeting called for the purpose, with notice given, the commission may temporarily designate an existing officer to fulfill the duties of this act. Such temporary officer shall be entitled to an expense allowance, paid monthly, not to exceed $4,800 per annum. Upon full implementation of a permanent office or division, such expense allowance shall cease.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:30 A.M.

Act No. 87-468 H. 858—Reps. Breedlove and Blakeney

AN ACT

Relating to Clarke County, Alabama; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the

probate judge to the revenue commissioner, relieving the probate judge of such duties; repealing conflicting acts; and providing for an advisory referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, Alabama, the procedure for redeeming lands sold for taxes in said county shall be the same as provided in Article 5, Chapter 10, Title 40, Code of Alabama 1975, as amended, except that all such duties as are required of and performed by the probate judge shall be transferred to and be performed by the revenue commissioner, and the probate judge shall be relieved of all such duties.

Section 2. This act shall be effective and operative only if it shall have been approved by a majority of the qualified electors of Clarke County who vote thereon at an advisory referendum election held for such purpose. Said referendum shall be held the first of any special, primary or general election after the expiration of three months from final adjournment of the current session of the Legislature. Notice of the election shall be given by the judge of probate of Clarke County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature which transfers certain duties of the probate judge relative to redeeming lands sold for taxes in Clarke County? Yes ( ) No ( )."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no legal effect. The judge of probate of Clarke County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed, except as otherwise herein provided.

Section 5. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved July 22, 1987

Time: 8:31 A.M.

Act No. 87-469 H. 859—Reps. Breedlove and Blakeney

AN ACT

Relating to Clarke County; providing for the creation, appointment, powers and duties of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; providing for the county commission to set the compensation of such officer; and providing for an advisory referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, there is hereby created and established the office of county license inspector. With the approval of the county commission, the license commissioner shall appoint said license inspector, who shall serve at the pleasure of such appointing authority and under the supervision of such appointing official.

Section 2. The salary of the license inspector shall be in such sum as shall be approved by the county commission and shall be payable in biweekly installments out of any county funds available.

Section 3. The license inspector shall upon entering upon the duties of his office take the oath of office prescribed in the Constitution, and shall enter into bond, which bond shall be conditioned as other official bonds are conditioned and be in such penal sum and form as the county commission may prescribe. Said bond shall be approved by and filed with the probate judge of the county and may be made by any surety company or companies authorized and qualified to do business in the State of Alabama. All premiums on said bond shall be payable out of the general fund of the county.

Section 4. The county commission shall furnish and equip suitable office space for the license inspector, within the office of the license commissioner, and shall furnish and supply all stationery, equipment and supplies necessary for the conduct of such office, except such stationery and supplies as the law requires the State Department of Revenue or the State Department of Finance to furnish to license inspectors.

Section 5. All duties and authority imposed on or vested in license inspectors by Section 40-12-10, Code of Alabama 1975, or by any other statute, are hereby imposed upon and vested in the office of the county license inspector created by this act, and such license inspector shall perform such further duties as may be prescribed by the county commission.

Section 6. Fees, commissions and penalties due to license delinquencies shall be as provided by Section 40-12-10, Code of Alabama 1975, as amended, or by other statute; provided, however, that in addition to all other penalties or fees for delinquency in payment of any license, there shall be a delinquency fee in the sum of five dollars.

Section 7. All citations to delinquents shall be served, by mail or otherwise, by any lawful officer, or by the county license inspector.

Section 8. No fees, commissions, or penalties shall be paid to any license inspector appointed under the provisions of Section 40-12-10, Code of Alabama 1975. All fees, commissions and penalties allowable to the county license inspector under any provision of law, or to any license inspector appointed under the provisions of Section 40-12-10, Code of Alabama 1975, shall be paid into the general fund of the county for use of the county.

Section 9. This act shall be effective and operative only if it shall have been approved by a majority of the qualified electors of Clarke County who vote thereon at an advisory referendum election held for such purpose. Said referendum shall be held the first of any special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. Notice of the election shall be given by the judge of probate of Clarke County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature which provides for the creation, appointment, powers and duties of a county license inspector, penalties and fees, compensation and directs payment to this inspector?

Yes ( ) No ( )."

If a majority of the votes cast at the advisory election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no legal effect. The judge of probate of Clarke County shall certify the results of the election to the Secretary of State and to the State Revenue Department immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:32 A.M.

Act No. 87-470 H. 860—Reps. Breedlove and Blakeney

AN ACT

To create the office of commissioner of licenses in Clarke County; to provide for the issuance of all licenses except marriage licenses; to prescribe the powers, duties and authority of the commissioner of licenses; to provide for the election of such commissioner, his term, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties and records of the probate judge relative to the issuance of all licenses, except marriage licenses, and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officers of the duties so transferred; to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed; and to provide for an advisory referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Effective October 1, 1991, there is hereby created the office of commissioner of licenses. The salary of the commissioner of licenses shall be in the amount of $36,000.00 annually. Said annual salary shall be payable in equal biweekly installments from the general funds of the county, as all other county employees are paid.

(b) The office of commissioner of licenses shall be established upon the occurrence of a vacancy before October 1, 1991, in either the office of tax assessor or tax collector, then, in that event, the officer remaining after the office of revenue commissioner is established, shall be the license commissioner for the remainder of the unexpired term for which he was elected as either tax assessor or as tax collector, as the case may be, and the said license commissioner shall be appointed by the governor for the remainder of said term.

(c) A license commissioner shall be elected in the primaries and general election of 1990, and in the general election each six years thereafter. The commissioner of licenses shall serve for a term of office of six years from the first day of October next succeeding his election and until his successor is similarly elected, qualified and takes office. Vacancies in said office shall be filled as provided for

by the Code of Alabama 1975, for filling vacancies in the tax assessor's and tax collector's offices.

Section 2. Before entering upon the duties of his office, the commissioner of licenses shall take the oath of office prescribed by the constitution, and enter into bond in such sum as may be required by the Code of Alabama 1975, giving as surety thereon a bonding company authorized to do business in this state. The bond shall be conditioned as other official bonds are conditioned and shall be approved by the state comptroller and filed with the judge of probate of the county.

Section 3. Suitable office space and all stationery, equipment and supplies necessary for the conduct of said office shall be furnished by the county commission to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the state department of revenue or the state department of finance or the state comptroller.

Section 4. The commissioner of licenses herein provided for shall appoint a chief clerk who shall, in his absence, have the power and authority herein granted to the commissioner of licenses. The commissioner of licenses shall also appoint a license inspector and a sufficient number of clerks and assistants to properly perform the duties of his office; however, all such appointments shall be made in strict conformity with the provisions of the civil service or merit system law of the county, and the commissioner of licenses shall be deemed to be the appointing authority within the meaning of any civil service or merit system law. The salary of the chief clerk and all other clerks so appointed shall be set by the county commission.

Section 5. It shall be the duty of the commissioner of licenses to collect and issue all licenses for exercising any rights or privileges for which a license is required, including but not limited to, hunting licenses, driver's licenses, licenses for motor vehicles, and any and all other licenses which are now or which may hereafter be required by law to be paid to the State of Alabama or the counties thereof, except marriage licenses which shall continue to be issued by the judge of probate.

Section 6. Before any person, firm or corporation shall engage in or carry on any business or do any act in any county to which this act applies for which a license is required by law, he, they, or it, except as otherwise provided, shall pay to the commissioner of licenses the amount required for such licenses, and shall comply with all the other requirements of this act; and upon the payment of such amount to the commissioner of licenses for the issuance of such license, and all costs and fees and penalties which shall have accrued, or for which such person, firm or corporation shall have become

liable in any proceedings commenced for the collection of each such license or to enforce payment thereof, and upon compliance with all other provisions of this act by the applicant, such commissioner of licenses shall issue the license countersigned by him, in the form and on the blank to be furnished to him by the state comptroller, which shall set forth and specify the name of the person, firm or corporation, applying therefor, the business or act which it is proposed to carry on or do thereunder, the name of the street or location where it is reported to carry on the same, if such location shall be in a city or town and have a street number, and if not, then the location and amount paid for each such license, and the time for which it is issued; and if the license is for a peddler it shall state whether he proposes to travel on foot or on horseback or on wagon or motor vehicle; and such license shall not be transferable, nor shall it entitle the holder thereof to carry on any other business or do any other act than that named therein, nor at any other location than that therein specified. Provided, that in case that it should become necessary to remove any business for which a license is required by this section, from one location to another location in the same city or town, and such business be continued as the same kind and character and by the same person or firm as that carried on at the former location, another license shall not be required for such business for the same license year.

Section 7. In all cases where the amount to be paid for license depends upon the amount of capital invested or the value of the goods or stock, or the amount of sales, or receipts, or any other fact or condition hereinbefore recited, it shall be the duty of the person applying for such license to render to the commissioner of licenses a sworn statement of the amount of the capital invested, of the value of the goods or stock, or of the amount of sales or receipts, and to make under oath such further proof or affidavit as may be required by the commissioner of licenses to determine the character of the license, and the amount to be paid for the same.

Section 8. Upon the issuance of any license the commissioner of licenses must before detaching the license from the stub, fill up the blank spaces in the stub to correspond in all respects, with the licenses as issued, and sign his name thereto.

Section 9. The commissioner of licenses shall keep in a book prepared for that purpose an accurate account of all licenses received by him from the comptroller, and of the disposition made of them, and of all money received from licenses issued by him, and make receipt thereof to the comptroller within twenty days after the expiration of the fiscal year, at which time he shall return to the comptroller all unused licenses, and shall also return to the comptroller the stubs of all licenses issued by him and the commissioner of

licenses shall on demand of the comptroller, at any time, exhibit to him or to any agent appointed by the comptroller for that purpose, such license record and the original of all licenses then remaining in his hands, and all stubs of licenses issued.

Section 10. All fees prescribed under the general law for the performance of duties required under the terms of this act to be performed by the commissioner of licenses shall be paid to or collected by the commissioner of licenses and by said commissioner paid to the treasurer of the county or to the official performing the duties of county treasurer, and all of said fees shall be the property of the county.

Section 11. If any person through a mistake or error on the part of the commissioner of licenses has paid to the commissioner of licenses money that was not due from him for such license, or by such mistake has paid to the commissioner of licenses for such license an amount in excess of that required by law for the business to be carried on by such person under the license, such person shall be entitled to have refunded to him the amount in either event so erroneously collected by the commissioner of licenses; provided, no refund shall be made unless application therefor is made within two years from date of payment.

Section 12. On the application of any such person, his executor, administrator, or assignee, the commissioner of licenses shall proceed to ascertain the amount due such applicant under the provisions of the preceding section, and shall grant such certificate as will enable the comptroller and the county governing body to draw his warrant or their order, respectively, and such warrant or order shall be paid out of any moneys in the state treasury, or the county treasury, not otherwise appropriated.

Section 13. To prevent motor vehicles from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this state, nor shall any transfer be made by the commissioner of licenses as provided under this act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the commissioner of licenses, if said motor vehicle belongs to a resident of such county or is principally used or operated in such county. Every person, firm or corporation residing in or owning a motor vehicle which is principally used in such county who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the commissioner of licenses of such county, for the preceding tax year, and the commissioner of licenses of such county, for the preceding tax year, and the commissioner of licenses of such county shall deliver

to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the department of revenue, and such certificate shall be the warrant of the commissioner of licenses to collect the tax as shown thereon. Motor vehicles within the meaning of this act shall not be included in any assessment made to the tax assessor by any person, firm or corporation, and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return, but shall be assessed as herein provided. The commissioner of licenses upon issuing a license for the operator of motor vehicles as herein provided shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act. Valuation for ad valorem assessment shall not be more than thirty per cent of the fair and reasonable value of same. A motor vehicle brought into the state during any tax year or new motor vehicles for which licenses have never been issued, sold from the stock of a dealer during any tax year shall be subject to taxation the same as if it had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly declining basis. Every motor vehicle shall be presumed to have been in Alabama during the taxable year and taxes thereon shall be assessed unless the person, firm, or corporation applying for exemption from ad valorem taxation furnish the commissioner of licenses with a certificate showing that such vehicle was registered in another state after the preceding October, such certificate to be signed by the proper official of such state and also an affidavit signed by the person, or in the case of a firm, association, or corporation its authorized agent, claiming the exemption, stating the exact date the car came into Alabama provided, however, that where application is made for exemption from taxation on a new motor vehicle for which there has never been a tag purchased, a bona fide bill of sale showing the date of purchase shall be sufficient proof for exemption by the commissioner of licenses provided the date of purchase, the name and address of the dealer and the invoice number is shown on the assessment sheet. The state department of revenue shall furnish the commissioner of licenses with blank certificates for claiming exemptions authorized in this section. The commissioner of licenses is authorized to issue a motor vehicle license for any vehicle for which an exemption from taxation has been claimed as authorized above, and for any vehicle which is not subject to taxation. The commissioner of licenses, in addition to assessing and collecting the ad valorem taxes due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities and towns located in the county. The commissioner of licenses shall report and pay over the money collected for said cities and towns at the same time and in the same manner as state and county taxes are reported and paid over by him. The

commissioner of licenses shall receive a commission of five per cent for collecting city and town ad valorem taxes and shall deduct said commissions from the amount collected before paying the same over to the city or town, and he shall pay said commissions into the county treasury, and said commissions so collected and paid into the county treasury, shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the state, such county, and any city or town in such county are paid for the preceding year. Nothing herein shall be construed as affecting the assessment of the stock of goods, wares and merchandise of motor vehicle dealers, or the inclusion of motor vehicles or capital invested therein making such assessments; nor shall the provisions hereof be construed as imposing an ad valorem tax upon a motor vehicle for the tax year in which application for such motor vehicle license is made, unless such motor vehicle was subject to such assessment, otherwise than as constituting a part of the stock of goods, wares and merchandise of a dealer.

Section 14. The state comptroller is hereby required to furnish to such license commissioner all books, records, and blanks, now or hereafter required by law to be furnished to the probate judge of the state in connection with the performance of their duties in the issuance or collection of licenses or privilege taxes.

Section 15. All duties required by law of probate judges in this state, with reference to the issuance of and collection of state, county, and other licenses except marriage licenses, shall be performed by the commissioner of licenses, and the commissioner of licenses shall be entitled to collect all fees, commissions, charges and allowances fixed by law, except as otherwise herein provided, for probate judges respecting the issuance and collection of licenses; and he shall be liable to all the pains and penalties, with reference to the collection of such licenses imposed on the probate judges in this state, and the probate judge of said county is relieved from any and all duties, liabilities and responsibilities now imposed by law for the collection of licenses in the county.

Section 16. All duties required by law of tax assessors and tax collectors with reference to the assessment and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles shall be performed and exercised by the commissioner of licenses, including but not limited to the casual sales tax on vehicles now collected by the tax collector, and the tax assessor and tax collector of any county to which this act applies are hereby relieved of all duties and responsibilities in reference thereto.

Section 17. The commissioner of licenses shall receive for the assessing and collecting of state and county ad valorem taxes on motor vehicles the same fees, charges and commissions fixed by law

to be paid to tax assessors and tax collectors for the like services and paid into the general fund of the county, except as otherwise herein provided.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. This act shall be effective and operative only if it shall have been approved by a majority of the qualified electors of Clarke County who vote thereon at an advisory referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held at the first of any special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. Notice of the election shall be given by the judge of probate of Clarke County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature which provides for the creation, appointment, powers and duties of a commissioner of licenses in Clarke County and affects the manner and method of issuing all licenses except for marriage licenses?

Yes ( ) No ( )."

If a majority of the votes cast at the advisory election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no legal effect. The judge of probate of Clarke County shall certify the results of the election to the secretary of state and to the state revenue department immediately after the returns have been certified.

Section 21. This act shall become effective upon its passage and approval by the Governor, except as otherwise herein provided.

Approved July 22, 1987

Time: 8:33 A.M.

Act No. 87-471 H. 862—Reps. Breedlove and Blakeney

AN ACT

Relating to Clarke County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said general fund; to make provision for a chief clerk and other personnel, quarters and supplies for the probate office; and to provide for an advisory referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Clarke County shall be entitled to receive total compensation in the form of an annual salary in the amount of $47,500.00 per annum. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal bi-weekly installments out of the general fund of the county as county employees are paid.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate, hereafter shall be collected and paid into the general fund of the county.

Section 3. Upon the recommendation of the judge of probate, the governing body of Clarke County shall provide the probate office with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as are necessary for the proper and efficient conduct of such office. The probate judge shall appoint a chief clerk who shall have the same power as the probate judge, except the power to preside in a contested cause. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal biweekly installments out of the general fund of the county, as other county employees are paid.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall be effective and operative on January 10, 1989, only if it shall have been approved by a majority of the qualified electors of Clarke County who vote thereon at an advisory referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on

amendments to the Constitution, and shall be held the first of any special, primary or general election after the expiration of three months from final adjournment of the current session of the Alabama legislature. Notice of the election shall be given by the judge of probate of Clarke County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature which changes the method and manner of compensating the judge of probate?

"Yes ( ) No ( )."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect on January 10, 1989. If a majority of the votes cast are in the negative, the act shall have no legal effect. The judge of probate of Clarke County shall certify the results of the election to the Secretary of State and to the state revenue department immediately after the returns have been certified.

Approved July 22, 1987

Time: 8:34 A.M.

Act No. 87-472 H. 888—Rep. Faulk

AN ACT

Relating to the Assistant District Attorney of Crenshaw County and providing further for the compensation of such office and the authority of the Crenshaw County Commission to make certain increases in the compensation, from time to time, for such office; providing that the provisions of this act shall be retroactive to October 1, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. The Crenshaw County Commission may, from time to time, increase the compensation, expense allowances or salary of the assistant district attorney, upon resolution made and a favorable vote by the majority of such commissioners. Such increases shall be in the amount the commission deems consistent with salary increases granted other county employees.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act shall be construed in pari materia with any laws or parts of laws relating to the compensation, of any nature, of the assistant district attorney, and shall be effective retroactively to October 1, 1983.

Approved July 22, 1987

Time: 8:35 A.M.

Act No. 87-473 H. 899—Rep. Holley

AN ACT

To alter or rearrange the boundary lines of the City of Elba, Coffee County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto in Coffee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Elba, Coffee County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Elba, and in addition thereto the following described territory, to-wit:

Legal description of property to be annexed to the corporate limits of the City of Elba.

I. AREA ONE: (Hwy 189 North) Beginning at a point on the South section line of Section 31, T6N, R20E located 500 feet West of the West R.O.W. line of Alabama Highway 189; thence in a Northwesterly direction along a line parallel with the West right of way line of said highway running the entire length of Section 31 of T6N, R20E to a point on the North line of Section 31 located 500 feet West of the West R.O.W. line of said highway; thence East along the North line of Section 31, crossing said highway to a point on the North line of said section, located 500 feet East of the East R.O.W. line of said highway; thence in a Southeasterly direction parallel to the East R.O.W. line of said highway for the entire length of Section 31 to a point on the South line of Section 31 located 500 feet East of the East R.O.W. line of said highway; thence West along the South line of Section 31, T6N, R20E to the point of beginning. Said property being located entirely within Section 31, T6N, R20E.

II. AREA TWO: (Hwy 87 North) Beginning at a point on the South section line of Section 32, T6N, R20E at its point of intersection with the West right of way line of Alabama Highway 87

North; thence in a northerly direction along the West right of way line of Alabama Highway 87 to a point 500 feet North of the North margin of Cedar Lane Drive; thence in a westerly direction along a line parallel with the North margin of Cedar Lane Drive to a point on the West line of Section 32, T6N, R20E; thence continuing West into the SE1/4 of the SE1/4 of Section 31, T6N, R20E to the West line of said quarter section; thence South along the West line of the SE1/4 of the SE1/4 of Section 31 to a point on the South line of Section 31; thence East along the South line of said quarter section to the southeast corner of Section 31; thence continuing East along the South line of Section 32, T6N, R20E to a point on the West right of way line of Alabama Highway 87, at the point of beginning. All of said area being contained within Sections 31 and 32 of T6N, R20E in Coffee County, Alabama.

III. AREA THREE: (Hwy 125 North) Beginning at a point on the South section line of Section 33, T6N, R20E located 500 feet East of the East R.O.W. line of Alabama Highway 125; thence North along a line parallel with the East R.O.W. line of said highway to its point of intersection with the southeast R.O.W. line of Coffee County Road No. 79; thence West, along a line parallel with the South section line, crossing Coffee County Road 79 and crossing Alabama Highway 125 to a point 500 feet West of the West R.O.W. line of Alabama Highway 125; thence in a Southerly direction along a line parallel with the West R.O.W. line of said highway to a point on the South line of Section 33; thence East along the South section line crossing Alabama Highway 125 to the point of beginning. All of said area being contained within Section 33, T6N, R20E in Coffee County, Alabama.

IV. AREA FOUR: (Hwy 84 East) Beginning at a point on the West section line of Section 15, T5N, R20E at a point 500 feet North of the North right of way line of U.S. Highway 84; thence in an Easterly direction along a line parallel with the North right of way line of Highway 84 for the entire width of Section 15 and a portion of Section 14 to the West margin of Hillcrest Gardens Cemetery; thence in a Southerly direction along the Hillcrest Gardens Cemetery margin to a point on the North right of way line of U.S. Highway 84; thence continuing along the same Southerly bearing across U.S. Highway 84 to a point 500 feet South of the South right of way line of said highway; thence in a westerly direction along a line parallel with the South right of way line of said highway to a point located 500 feet East of the East right of way line of Twin Oaks Road; thence in a Southeasterly direction along a line parallel with the East right of way line of Twin Oaks Road to a point on the North right of way line of the abandoned Seaboard Coastline Railroad; thence in a Southwesterly direction along the North right of way line of said railroad to a point on the North line of Section

22; thence continue Southwesterly along the North right of way line of said railroad across Twin Oaks Road to a point on said railroad right of way located 500 feet West of the West right of way line of Twin Oaks Road; thence in a Northwesterly direction along a line parallel with the West right of way line of Twin Oaks Road to a point on the North line of Section 22; thence continuing Northwesterly (parallel to the West right of way of Twin Oaks Road) to a point located 500 feet South of the South right of way line of U.S. Highway 84; thence in a westerly direction along a line parallel with the South right of way line of U.S. Highway 84 West to a point on the West section line of Section 15, T5N, R20E; thence North along the West line of said Section, crossing the right of way line of said highway, and to the point of beginning. All of said area being contained within Sections 14, 15, and 22 of T5N, R20E in Coffee County, Alabama.

V. AREA FIVE: (Hwy 84 West) Beginning at a point on the East section line of Section 2, T5N, R19E, located 500 feet North of the North R.O.W. of U.S. Highway 84; thence in a Northwesterly direction along a line parallel with the North R.O.W. line of said highway to a point on the West boundary of the NE1/4 of the SW1/4, Section 2, T5N, R19E; thence South along the West boundary of the NE1/4 of the SW1/4 and the West boundary of the SE1/4 of the SW1/4 crossing the R.O.W. of the U.S. Highway 84 (on top of Clark Hill) and continuing in said Southerly direction to a point located 500 feet South of the South R.O.W. line of said highway; thence in a Southeasterly direction along a line parallel with the South R.O.W. line of said Highway crossing portions of Section 2 and Section 11 of T5N, R19E to a point on the East line of Section 11; thence North along the East section line of Section 11 crossing the R.O.W. of U.S. Highway 84 and continuing North along the East section line of Section 11 and the East section line of Section 2 to the point of beginning. All of said area being contained within Sections 2 and 11 of T5N, R19E in Coffee County, Alabama.

VI. AREA SIX: (Hwy 189 South) Beginning at a point on the South line of the N1/4 of Section 19, T5N, R20E at its point of intersection with the East right of way line of Alabama Highway 189; thence East a distance of 500 feet along the South line of the N1/4 of Section 19; thence in a Southerly direction along a line parallel with the East right of way line of Alabama Highway 189, crossing portions of Section 19 and Section 30 of Township 5 North, Range 20 East, and continuing in a Southerly direction along a line parallel with the East right of way line of Alabama Highway 189 across a portion of Section 25 of Township 5 North, Range 19 East to a point on the East margin of an unpaved road known as the Elba Dam Road; thence in a Northerly direction along the East margin of said unpaved road to its point of intersection with the

East right of way line of Alabama Highway 189; thence in a Northwesterly direction, crossing the highway right of way at right angles and continuing in said Northwesterly direction to a point 500 feet West of the West right of way line of said highway; thence in a Northeasterly direction along a line parallel with the West right of way line of said highway, crossing a portion of Section 25 of Township 5 North, Range 19 East, and continuing in said Northeasterly direction along a line parallel with the West right of way line of Alabama Highway 189 across portions of Section 30 and 19 of Township 5 North, Range 20 East to a point located 500 feet South of the South line of the N1/4 of Section 19, T5N, R20E; thence West along a line parallel with the South line of said Quarter Section a distance of 255 feet, more or less, to the West margin of the Harold Moody property; thence in a Northerly direction along the West line of the Harold Moody property to a point on the South line of the N1/4 of Section 19, T5N, R20E, (which said line is the former South line of the existing corporate limits of the City of Elba); thence West along the South line of the N1/4 of Section 19, T5N, R20E crossing Alabama Highway 189, and to the point of beginning located on the South line of the N1/4 of Section 19, Township 5 North, Range 20 East. All of said area being contained within Sections 19 and 30 of T5N, R20E and Section 25 of T5N, R19E, in Coffee County, Alabama.

VII. AREA SEVEN: (Hwy 166 West) Beginning at a point on the East section line of Section 11, T5N, R19E at a point on said section line located 500 feet South of the South R.O.W. line of Alabama Highway 166; thence in a Westerly direction along a line parallel with the South line of said highway to its point of intersection with the West section line of Section 11; thence North along the West section line of Section 11 crossing the R.O.W. of Alabama Highway 166 and continuing North along the West line of said section to a point located 500 feet North of the North R.O.W. line of Alabama Highway 166; thence in an Easterly direction along a line parallel with the North R.O.W. line of said highway to its point of intersection with the East line of Section 11, T5N, R19E; thence South along the East line of said Section, crossing the R.O.W. of Alabama Highway 166, and to the point of beginning. All of said area being contained within Section 11 of T5N, R19E.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

A map showing the territory to be annexed to said municipality is on file in the Office of the Judge of Probate at the Coffee County Courthouse in Elba, Alabama. Said map is open to the public for inspection.

Approved July 22, 1987

Time: 8:36 A.M.

Act No. 87-474 H. 912—Rep. Cosby

AN ACT

To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more presently operating with five single-member districts as established under a Federal Court Order, so as to provide for a procedure to establish a council of not less than five nor more than eight aldermen to be elected from districts and a council president to be elected at large.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43-40, Code of Alabama 1975, is amended to read as follows:

"§11-43-40.

"(a) In cities having a population of 12,000 or more, the following officers shall be elected at each general municipal election, who shall compose the city council for such cities and who shall hold office for four years and until their successors are elected and qualified, and who shall exercise the legislative functions of city government and any other powers and duties which are or may be vested by law in the city council or its members:

"(1) In cities having seven wards or less, a president of the city council and two aldermen from each ward, to be elected by the qualified voters of the several wards voting separately in every ward; except, that in such cities having a population of less than 20,000, the two aldermen from each ward shall be elected by the electors of the city at large.

"(2) In cities having more than seven wards, one alderman from each ward, and a sufficient number of aldermen from the city at large to make the total number of aldermen 14 exclusive of the president of the council; provided, that in cities having a population of 50,000 or more, the city council may create not more than 20 wards.

"(3) In cities having a population of more than 30,000 according to the most recent federal decennial census or according to any census of such city made pursuant to sections 11-47-90 through 11-47-95, and having only five wards, a president of the council and five aldermen, if the governing body shall so provide by ordinance or resolution adopted by two-thirds vote of the governing body at least six months prior to a general municipal election. If such an ordinance or resolution is adopted, one alderman shall reside in each of the respective wards of the city, the president and all of the aldermen

shall be elected by the voters of the city at large, and the president shall vote only in case of a tie.

"(4) Notwithstanding the provisions of subdivisions (1), (2) and (3) of this section, the governing body of any city having a population of 12,000 or more may by ordinance or resolution, if adopted by two-thirds vote of the governing body more than six months prior to any general municipal election, provide that the city council of said city shall consist of five aldermen to be elected from the city at large.

"(5) Notwithstanding the provision of subdivisions (1), (2), (3) and (4) of this section, the governing body of any city having a population of 12,000 or more which does now elect council members from single-member districts or cities presently operating with five single-member districts as established under a Federal Court Order may, by ordinance or resolution, if adopted by two-thirds vote of the governing body more than six months prior to any general municipal election, provide that the city council of said city shall consist of not less than five nor more than eight aldermen to be elected from single-member districts (wards) with the President of the City Council to be elected by the qualified voters of the several wards voting separately in every ward.

"(b) Unless provided otherwise in this section, the president of the council shall have the right to vote on all questions the same as any other member of the council."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:37 A.M.

Act No. 87-475 H. 919—Rep. Laird

AN ACT

Relating to Randolph County and the levying and collecting of taxes; amending Section 3 of Act No. 85-466, H. 166, Regular Session 1985, which section relates to the office of revenue commissioner in Randolph County and the election therefor; amending Section 12 of said act, relating to the effectiveness of the referendum on the question of abolishing the local office of tax assessor and tax collector and establishing the office of revenue commissioner; providing for the functioning of the office of revenue commissioner commencing October 1991, and the abolishment of the offices of the tax assessor and tax collector simultaneously; providing for the retroactive

effect of this act to May 7, 1985; and amending Section 2 of said act so as to make a typographical correction.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 3 and 12 of Act No. 85-466, H. 166 of the Regular Session, 1985, (Acts 1985, p. 459) is hereby amended to read as follows:

"Section 2. A referendum shall be held on the question of combining the offices of tax assessor and tax collector into a new office of county revenue commissioner and abolishing the said offices of tax assessor and tax collector as provided by Section 12. Said referendum shall be held at a referendum election in Randolph County as provided by this act.

"Section 3. Upon the passage of this act and approval by a majority of the qualified electors, there shall be a county revenue commissioner in Randolph County commencing October 1, 1991, or, if a vacancy occurs in either the tax assessor's office or the tax collector's office prior to said date, then the revenue commissioner's office shall be created upon such a vacancy. A commissioner shall be elected at a special election called for such purpose in Randolph County and at the general election every six years thereafter. Said election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution and elections for other county officers. The said commissioner shall serve for a term of six years beginning on the first day of October 1991, and until his successor is elected and has qualified. Candidates for county revenue commissioner shall qualify in the same manner as candidates for county wide office and as required by law. Until October 1, 1991, the tax assessor and tax collector shall serve in their respective capacities as provided by law.

"Section 12. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Randolph County who vote thereon at a referendum election held for such purpose. Said election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution and elections for other county officers on May 14, 1985. Notice of the election shall be given by the judge of probate of Randolph County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: 'Do you favor the local law abolishing the offices of tax assessor and tax collector and establishing the office of the revenue commissioner? Yes, effective October 1, 1985. ( ), or Yes, effective October 1, 1991, or sooner if a vacancy occurs in either the tax assessor's or the tax collector's office, ( ), or No ( )'.

If a majority of the votes cast at the election are affirmative votes, this act shall become effective in full force and effect on the date approved by a majority of those voting yes on the specified date, except as herein otherwise prescribed. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Randolph County shall certify the results of the election to the secretary of state immediately after the returns have been certified."

Section 2. The provisions of this act shall be effectively retroactive to May 7, 1985.

Approved July 22, 1987

Time: 8:38 A.M.

Act No. 87-476 H. 927—Rep. Hammett

AN ACT

To alter or rearrange the boundary lines of the City of Opp, Covington County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Boundary lines of the City of Opp, Covington County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Opp and in addition thereto the following described territory, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 19, Township 4 North, Range 18 East and being a point on the existing Opp City Limits and run South 89 degrees 15 minutes 18 seconds West for a distance of 1317.70 feet; thence North 1 degree 36 minutes 54 seconds East for a distance of 2648.31 feet; thence North 89 degrees 03 minutes 12 seconds East for a distance of 1143.39 feet; thence North 45 degrees 4 minutes 13 seconds East for a distance of 290.79 feet; thence North 2 degrees 19 minutes 12 seconds East for a distance of 1127.13 feet to the North line of said Section 19, Township 4 North, Range 18 East; thence North 0 degrees 59 minutes 24 seconds West for a distance of 674.78 feet; thence North 88 degrees 53 minutes 54 seconds East for a distance of 678.34 feet; thence North 1 degree 02 minutes 36 seconds West for a distance of 1350.86 feet; thence South 88 degrees 47 minutes 16 seconds West for a distance of 677.10 feet;

thence North 0 degrees 59 minutes 24 seconds West for a distance of 674.78 feet; thence North 88 degrees 43 minutes 42 seconds East for a distance of 1352.96 feet to a point on the East line of Section 18, Township 4 North, Range 18 East; thence North 1 degree 05 minutes 48 seconds West for a distance of 452.05 feet; thence North 75 degrees 34 minutes 53 seconds West for a distance of 701.7 feet; thence North 1 degree 02 minutes 36 seconds West for a distance of 709.0 feet; thence North 88 degrees 36 minutes 54 seconds East for a distance of 675.24 feet; thence North 89 degrees 35 minutes 42 seconds East for a distance of 627.37 feet; thence North 1 degree 03 minutes 42 seconds West for a distance of 1347.11 feet; thence North 0 degrees 23 minutes 12 seconds East for a distance of 1332.44 feet; thence North 89 degrees 33 minutes 54 seconds East for a distance of 1909.22 feet; thence North 1 degree 23 minutes 36 seconds East for a distance of 1759.55 feet; thence South 88 degrees 36 minutes 24 seconds East for a distance of 850 feet, more or less; thence Northwesterly for a distance of 270 feet; thence North 16 degrees 52 minutes 24 seconds West for a distance of 913.6 feet North 77 degrees 38 minutes 36 seconds East for a distance of 529.85 feet; thence North 5 degrees 30 minutes 00 seconds West for a distance of 958.06 feet; thence North 88 degrees 11 minutes 54 seconds East for a distance of 511.90 feet; thence North 0 degrees 27 minutes 36 seconds West for a distance of 1931.37 feet; thence North 88 degrees 25 minutes 18 seconds East for a distance of 660.84 feet; thence North 0 degrees 27 minutes 54 seconds West for a distance of 2571.73 feet; thence North 88 degrees 43 minutes 11 seconds East for a distance of 660.58 feet to a point on the West line of Section 4, Township 4 North, Range 18 East; thence North 86 degrees 23 minutes 26 seconds East for a distance of 1176.34 feet; thence South 0 degrees 38 minutes 18 seconds East for a distance of 1295.21 feet; thence North 86 degrees 56 minutes 24 seconds East for a distance of 2359.19 feet; thence South 0 degrees 58 minutes 48 seconds West for a distance of 3293.30 feet to the North line of Section 9, Township 4 North, Range 18 East; thence South 88 degrees 17 minutes 24 seconds West for a distance of 448.70 feet; thence Southeasterly along the West right of way of a County Highway for a distance of 371.40 feet; thence South 40 degrees 05 minutes 00 seconds West for a distance of 1410.26 feet; thence South 0 degrees 11 minutes 18 seconds East for a distance of 1370.5 feet; thence South for a distance of 6,600 feet more or less, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 16, Township 4 North, Range 18 East and a point on the existing Opp City Limits.

Section 2. A map showing the territory to be annexed into the City of Opp is on file in the office of the Judge of Probate in the Covington County Court House in Andalusia, Alabama. The map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:39 A.M.

Act No. 87-477 H. 928—Reps. Breedlove and Blakeney

AN ACT

Relating to Clarke County; providing further for the qualifications of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Clarke County, notwithstanding any provision of law to the contrary, no person shall be eligible for appointment by the county board of education or for any political party nomination, or for election to the office of county superintendent of education unless such person:

1. Holds a certificate in School Administration or Supervision.

2. Is of good character and reputation, has not been previously convicted of a crime involving moral turpitude, has not been previously found guilty of a charge which would justify cancellation, pursuant to Alabama law, of a tenured contract, and, if not active as a teacher, principal, supervisor, or in some other capacity as a school administrator, in a public school system at the time of qualifying for county superintendent, has left his or her last public school system position voluntarily and while in good standing in that system. He or she must also have had experience of not less than five years, within the eight year period next preceding qualifying for county superintendent, as a teacher, principal, supervisor, or as some other type of school administrator, in a public school system.

3. Submits proof to the state superintendent and to the Clarke County board of education that he or she meets the requirements hereof, and obtains from the county board of education a written certificate confirming that he or she is so qualified, under the terms hereof, to serve as county superintendent; said certificate from the county board of education must be obtained prior to and shall be a prerequisite to qualifying for the office of county superintendent.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:40 A.M.

Act No. 87-478 H. 929—Reps. Fuller and Laird

AN ACT

Relating to Chambers County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for industrial development purposes and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, in addition to any and all other taxes heretofore levied, the county commission is hereby authorized to levy and impose an additional ad valorem tax in the amount of 3 mills on each dollar of taxable property. Said tax shall be earmarked to the county general fund to be used for industrial development programs. The additional ad valorem tax imposed by this act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

Section 2. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in Chambers County and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on special school taxes, and shall be held in conjunction with the next regularly scheduled federal, state or local election to be held in the county or at a special election held for such purpose. Notice of the election shall be given as are other county elections under the general applicable laws of this state. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature, which authorizes the Chambers County commission to impose an additional ad valorem tax in the amount of 3 mills on each dollar of taxable property, to be used for industrial development programs? Yes ( ) No ( )."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect on October 1, 1987. If a majority of the votes cast are in the negative, the act shall have

no effect. The judge of probate for Chambers County shall certify the results of the election to the Secretary of State and to the state revenue department after the returns have been certified.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:41 A.M.

Act No. 87-479 H. 961—Rep. Grouby

AN ACT

Relating to Autauga County; approving and authorizing the Autauga County Commission to levy an increase of the countywide public school ad valorem tax presently being levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 at the rate of three mills in Autauga County from the present millage to nineteen mills, all in accordance with Amendment No. 373 to the Alabama Constitution; such increased countywide ad valorem tax to be levied and collected by Autauga County for each year beginning with the levy for the tax year October 1, 1987 to September 30, 1988 (the tax for which year will be due and payable October 1, 1988) and ending with the levy for the tax year October 1, 2003 to September 30, 2004 (the tax for which year will be due and payable October 1, 2004) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Autauga County at a special election called and held in accordance with the laws governing special elections.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any taxes now authorized or that may hereafter be authorized by the constitution and laws of the State of Alabama, pursuant to Amendment No. 373 to the constitution of the State of Alabama, and increase of the countywide ad valorem school tax presently being levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 at the rate of thirty cents on each one hundred dollars worth of taxable property in Autauga County (three mills) from the present millage to the rate of one dollar ninety cents on each one hundred dollars worth of taxable property (nineteen mills) in Autauga County (an increase of one dollar sixty cents on each one hundred dollars worth of taxable property or sixteen mills) is approved; such increased ad valorem tax to be levied and collected by the governing body of Autauga County for each year beginning with the levy for the tax year October 1, 1987 to September 30, 1988 (the tax for which year will be due and payable October 1, 1988) and ending with the levy for the tax year October 1, 2003 to September

30, 2004 (the tax for which year will be due and payable October 1, 2004) for public school purposes; provided, that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of Autauga County, and voted for by a majority of those voting at a special election called and held in accordance with the law governing special elections.

Section 2. The ballot to be used in the aforesaid election shall be substantially as follows, with such insertions, variations and omissions as shall be necessary to conform to the requirement of applicable law:

"Shall the special countywide ad valorem school tax presently being levied and collected in Autauga County pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 at the rate of thirty cents on each one hundred dollars worth of taxable property in Autauga County be increased to the rate of one dollar and ninety cents on each one hundred dollars worth of taxable property in Autauga County (an increase of one dollar and sixty cents on each one hundred dollars worth of taxable property, or sixteen mills); such additional sixteen mill tax to be levied and collected annually beginning with the levy for the tax year October 1, 1987 to September 30, 1988 (the tax for which year will be due and payable October 1, 1988) and ending with the levy for the tax year October 1, 2003 to September 30, 2004 (the tax for which year will be due and payable October 1, 2004) and the funds arising from the increased special countywide ad valorem school tax to be used for public school purposes.

_____ For proposed taxation

_____ Against proposed taxation"

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:42 A.M.

Act No. 87-480 H. 972—Rep. Lindsey

AN ACT

Relating to Cleburne County and the position of license inspector; providing that the county license inspector shall be appointed by the county commission which shall

determine whether such position shall be full-time or part-time; prescribing that the county commission shall set his duties and powers and compensation; and specifically repealing Act No. 79-482, H. 986, Regular Session 1979 (Acts 1979, p. 890), placing such powers and duties in the sheriff of the county; and repealing any laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cleburne County, any law or parts of laws to the contrary notwithstanding, and notwithstanding the provisions of Section 40-12-10, Code of Alabama 1975, as amended, providing for the appointment of license inspectors under certain conditions, the county commission is authorized to appoint the Cleburne County license inspector, and the powers, duties and functions of such position are hereby vested in such appointee. All fines, fees and penalties collected by such inspector shall be paid into the general fund of the county and disbursed as provided by law.

Section 2. The county commission shall determine if the position of Cleburne County license inspector is full-time or part-time; in addition to those duties and powers set by general law, the commission may, from time to time, prescribe other functions and duties as it may feel are warranted. The compensation of the county license inspector shall be set by the county commission.

Section 3. The sheriff shall transfer all records, documents, property, assets and funds, of any nature whatsoever, generated by his duties as county license inspector and shall be relieved and discharged of any and all responsibilities or liabilities therefor.

Section 4. Act No. 79-482, H. 986, Regular Session 1979 (Acts 1979, p. 890), is hereby specifically repealed and all laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:43 A.M.

Act No. 87-481 H. 996—Rep. Warren

AN ACT

To fix the fee for the issuance of pistol permits in Monroe County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Monroe County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be $10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under section 1 of this act shall be deposited by the sheriff of Monroe County in any bank located in Monroe County selected by the sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in section 2 of this act shall be drawn upon by the sheriff of Monroe County or his appointed agent and shall be exclusively for law enforcement purposes in the public's interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:44 A.M.

Act No. 87-482 H. 997—Rep. Warren

AN ACT

To fix the fee for the issuance of pistol permits in Conecuh County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Conecuh County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person

as provided in Title 13A-11-75, Code of Alabama 1975, shall be $10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under section 1 of this act shall be deposited by the sheriff of Conecuh County in any bank located in Conecuh County selected by the sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in section 2 of this act shall be drawn upon by the sheriff of Conecuh County or his appointed agent and shall be exclusively for law enforcement purposes in the public's interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:45 A.M.

Act No. 87-483 H. 1004—Rep. Zoghby

AN ACT

Relating to compensation of the Mobile County Treasurer; amending Section 1 of Act No. 80-338, H. 857, Regular Session 1980 (Acts 1980, p. 458) relating to compensation for such officer, so as to further provide therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-338, H. 857, Regular Session 1980 (Acts 1980, p. 458) is hereby amended to read as follows:

"Section 1. Commencing with the beginning of the next term of office, the salary of the county treasurer in Mobile County shall

be $28,000 per annum, payable out of the county general fund the same as are the salaries of other county officials. The compensation provided for herein shall be in lieu of all other salary or compensation heretofore provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987.

Time: 8:46 A.M.

Act No. 87-484 H. 1012—Rep. Headley

AN ACT

Relating to Bibb County; to authorize the West Alabama District Board of Health to designate the services rendered by the Bibb County Health Department for which a reasonable fee may be charged. The West Alabama District Board of Health is further required to set a maximum fee for each service. The Bibb County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

Be It Enacted by the Legislature of Alabama:

Section 1. The West Alabama District Board of Health shall designate the services rendered by the Bibb County Health Department for which a reasonable fee may be charged and shall set the maximum allowable fee to be charged for each service.

Section 2. The Bibb County Health Department shall be authorized to charge and collect such fees. Any fees to be charged under the authority of this act by the County Health Department shall be subject to approval by the respective county commission prior to implementation. All fees collected shall be in addition to any and all federal, state and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the State Examiners of Public Accounts.

Section 3. No citizen shall be denied any service because that person is unable to pay. West Alabama District Board of Health may establish a sliding fee scale based on ability to pay.

Section 4. This act shall not apply to nor affect any fees otherwise authorized, set and collected under state, local or federal law or regulation.

Section 5. All fees collected pursuant to this act are hereby appropriated to the Bibb County Health Department which collected such fees.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:47 A.M.

Act No. 87-485 H. 1014—Rep. Hammett

AN ACT

Relating to Covington County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as the county revenue commissioner; abolishing the offices of tax assessor and tax collector in said county; prescribing the duties and compensation of such commissioner; providing for a motor vehicle license division within the revenue commissioner's office; prescribing duties and procedures for such division; providing for an optional procedure for the renewal of motor vehicle licenses by mail; authorizing certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; providing that this act shall become effective only if approved at a referendum election and providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1991, there shall be a county revenue commissioner for Covington County. A county revenue commissioner shall be elected at the general election in 1990 and at the general election every six years thereafter. The county revenue commissioner shall serve a term of six years commencing the first day of October next after his election and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall perform all acts, duties and functions required by law to be performed either by the tax assessor or the tax collector of the county, including, but not limited to, the assessment of all real property for taxation, the collection of taxes and distribution of taxes according to law, the keeping of records and the making of reports concerning assessments.

Section 3. Subject to the approval of the Covington County commission, the county revenue commissioner shall establish the duties and compensation of a sufficient number of clerks to adequately perform the duties of the office. The acts of the chief clerk or chief clerks shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the Covington County commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other officials' bonds are conditioned and shall be approved by and filed with the judge of probate of Covington County. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the Covington County commission, and shall be a preferred claim against the county.

Section 5. The Covington County commission shall provide the necessary offices for the county revenue commissioner and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, necessary for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor and the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of this office, the county revenue commissioner shall receive an annual salary as provided by law.

Section 7. Should any of the offices of tax assessor or tax collector for Covington County be vacated for any reason whatsoever between passage of this act and September 30, 1991, such vacant office shall be immediately combined into the office of county revenue commissioner with the remaining office holder serving as county revenue commissioner until the first day of October, 1991, provided, however, that the remaining office holder taking the position of county revenue commissioner shall not be subject to any increase or decrease in salary during the term.

Section 8. The offices of tax assessor and tax collector for Covington County are hereby abolished effective the first day of October, 1991. It is the purpose of this act to promote the public convenience in Covington County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. When the revenue commissioner's office is established as provided in this act, there is hereby created within the revenue commissioner's office of Covington County a license division which shall issue all motor vehicle licenses issued through the revenue commissioner's office. The county commission shall furnish suitable

quarters and provide the necessary forms, books, stationery, records, equipment and supplies for the license division, except such stationery forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall also provide such clerks and other assistants for the revenue commissioner as shall be necessary from time to time for the proper and efficient performance of the duties of the license division. The revenue commissioner shall have authority to employ such clerks and other assistants for the license division and to fix their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county commission. The compensation of the clerks and assistants shall be paid out of the general fund of the county in the same manner as other county employees are paid.

Section 10. The revenue commissioner shall perform all duties relating to the issuing of licenses on motor vehicles in the county which have heretofore been performed by the probate judge. The probate judge of Covington County is hereby relieved of all duties and responsibilities relative to the issuance of licenses and collection of certain monies on such motor vehicles. The revenue commission shall receive the commissions and fees now allowed the probate judge for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such monies shall be made at the same time as other reports and remittances are now made by the revenue commissioner.

Section 11. The revenue commissioner shall keep at all times an accurate record of all motor vehicle licenses received by him from the state comptroller and of the disposition made of them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that other officials with said duties are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that said officials are required to account for by law.

Section 12. Except as hereinafter provided, the revenue commissioner shall be entitled to charge and collect the same fees that are provided for by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said revenue commissioner shall charge and collect a fee of $1.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 13. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the revenue commissioner until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said revenue commissioner. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said revenue commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 14. Before any vehicle can be assessed, the revenue commissioner shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said revenue commissioner shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said revenue commissioner shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October.

Section 15. The revenue commissioner may, at his discretion, mail an application for renewal of licenses to whom such license has been previously issued, such renewal forms required to be returned prior to the expiration date of the license. Such renewal forms may be in postcard form and with sufficient information thereon to adequately identify and process such renewal. The signature of the licensee thereon and proper remittance shall constitute sufficient authority for the revenue commissioner to issue such license and return to the licensee by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be set from time to time by the county commission to pay the cost of the mailing procedure

herein provided, and such fee shall be collected by the revenue commissioner at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Covington County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next special, general or primary election held in Covington County next following final passage of this act. Notice of the election shall be given by the judge of probate of Covington County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law abolishing the offices of tax assessor and tax collector and establishing in lieu thereof the office of revenue commissioner and providing for a motor vehicle license division in the revenue commissioner's office? Yes ( ) No ( )." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Covington County shall certify the results of the election to the secretary of state immediately after the returns have been certified.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:48 A.M.

Act No. 87-486 H. 1028—Rep. Harper

AN ACT

Authorizing the Mobile County Commission to borrow money for general county purposes, and providing for the repayment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Commission is hereby authorized and empowered to borrow money in anticipation of the collection of taxes for the fiscal year subsequent to the fiscal year in which such money is borrowed, and may issue certificates covering such borrowed money and may pledge a sufficient amount of uncollected taxes and additional revenues of the subsequent fiscal year to secure the repayment of such borrowed money, provided, that such sum or sums of money borrowed during any fiscal year shall not exceed two million five hundred thousand dollars ($2,500,000.00).

Section 2. Any loan by which money is borrowed under the provisions of this act must be repaid by the Mobile County Commission by February 1 of the subsequent fiscal year.

Section 3. No money borrowed under the provisions of this act shall be used for any purpose other than that for which the general funds of the county may now be used.

Section 4. All certificates evidencing loans made under the authority of this act shall be registered by the county treasurer in the order of their issue. All such certificates when paid by the treasurer shall be canceled and such cancellation and payment shall be noted on the register. All certificates issued under the authority of this act shall be exempt from taxation.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:49 A.M.

Act No. 87-487 H. 1029—Rep. Harper

AN ACT

Relating to Mobile County; authorizing the county commission to levy a business or privilege fee on certain businesses.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, the county commission is hereby authorized to levy a license or privilege fee upon any person for engaging in any business for which he is not required by law to pay

any license or privilege fee or tax to either the State of Alabama or the county.

When a person is engaged in more than one business for one or more of which a license or privilege fee or tax is required to be paid to the State or the county but for one or more of which no license or privilege tax is required to be paid to the State or county, the county commission shall have the authority to levy a license or privilege fee upon that business, or those businesses, for engaging in which such person is not required to pay any license or privilege tax to the State or county. Nothing herein shall be construed to cause a person engaged in the operation of farming of any type to have to pay additional business or privilege fees.

Section 2. The fees hereby levied shall be paid to that officer or employee of the county chargeable with the duty of collecting license or privilege taxes payable to the county and shall be deposited into the Mobile County general fund to be used for general county purposes.

Section 3. The amount of the fees imposed by this act shall be set by the county commission.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:50 A.M.

Act No. 87-488 H. 1055—Rep. Haynes

AN ACT

Relating to the Twenty-ninth Judicial Circuit, in Talladega County; providing further for the compensation of the district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the Twenty-ninth Judicial Circuit in Talladega County shall receive, in addition to any other compensation and in addition to any other supplement provided by law, an expense and automobile allowance, equal to one percent of annual salary paid by the state to said district attorney per month, to be paid from the District Attorney's Fund or from any funds available to the district attorney of the Twenty-ninth Judicial Circuit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:51 A.M.

Act No. 87-489 H. 1062—Rep. Cosby

AN ACT

Relating to Dallas County; amending the title and section 1 of Act No. 415, H. 745, 1978 Regular Session (Acts 1978, p. 412) which act established the Dallas County Law Library Fund, so as to increase certain court costs to be paid to the said Law Library Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and section 1 of Act No. 415, H. 745, 1978 Regular Session (Acts 1978, p. 412) are hereby amended to read as follows:

"An Act Relating to Dallas County; further regulating the handling and expenditures of certain court fees accruing to Dallas County; establishing the Dallas County Law Library Fund and authorizing the expenditures of such funds; creating the Dallas County Law Library Board and providing for its appointment, powers and duties; providing for taxation of $6.00 court costs as a law library fee in all criminal, quasi-criminal, or civil cases or other proceedings in the circuit court, district court, and small claims court of Dallas County; and repealing certain laws of Dallas County relating to the county and circuit courts.

"Section 1. There is hereby created a fund to be designated the 'Dallas County Law Library Fund,' which fund shall be expended as hereinafter provided for the sole purpose of establishing, maintaining, equipping, administering, and operating the law library at the Courthouse of Dallas County.

"In each criminal or quasi-criminal or civil case or any other proceeding filed in, arising in, or brought by appeal, on certiorari or otherwise in the Circuit Court, District Court, or Small Claims Court of Dallas County, there shall be taxed as part of the costs the sum of $6.00 to be designated as a law library fee.

"Such fees when collected by the Clerks or other collecting officers of such Courts shall be paid to the Treasurer or depository of Dallas

County for the deposit in the county treasury in a separate account to be designated the 'Dallas County Law Library Fund.' "

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:52 A.M.

Act No. 87-490 H. 1071—Rep. Johnson (RW)

AN ACT

To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said county known as School District No. 2 (being all that part of the said county lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and that portion of the unincorporated area of the county which is under the jurisdiction and control of the Tuscaloosa City Board of Education), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Amendment No. 3" means that certain amendment to the Constitution that was proposed by Act No. 60 enacted at the 1915 Regular Session of the Legislature of Alabama.

"Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

"Commission" means Tuscaloosa County Commission or other governing body of the county.

"Constitution" means the Constitution of Alabama of 1901.

"County" means Tuscaloosa County, Alabama.

"Special School District Tax" means the special ad valorem tax for public school purposes that is authorized in Section 2 of Amendment No. 3 to be levied and collected on taxable property in Tuscaloosa County School District No. 2.

"Tuscaloosa County School District No. 2" means the special school tax district in the county which consists of all that part of the county lying South and East of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, and the following described territory which is under the jurisdiction of the Tuscaloosa City Board of Education: Begin at the intersection of the Black Warrior River and the eastern boundary of Section 13, Township 21 South, Range 10 West; thence run South along the eastern boundary of Sections 13, 24, 25 and 36, Township 21 South, Range 10 West, to the Southeast corner of Township 21 South, Range 10 West; thence run West along the South boundary line of said Township 21 South, Range 10 West, to the Southwest corner of said Township 21 South, Range 10 West; run thence southward along the eastern boundary of Township 22 South, Range 11 West, to the Southeast corner of Section 12, Township 22 South, Range 11 West; run thence westward along the Southern boundaries of Sections 12, 11, 10, and 9, all in Township 22 South, Range 11 West, to the Black Warrior River; run thence up the Black Warrior River following the meanderings thereof to the point of beginning, as such school tax district now exists or as it may be hereafter formed.

Section 2. The county is presently authorized to levy and collect the Special School District Tax at a rate of $.40 on each one hundred dollars (4 mills on each dollar) of assessed value pursuant to Amendment No. 3 and proceedings heretofore taken by the Commission under Amendment No. 373. Pursuant to a resolution adopted by the Commission in accordance with the provision of Amendment No. 373, the county proposes to increase the rate at which the Special School District Tax is levied to a maximum rate, for any tax year of the county, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution heretofore adopted by the Commission after a public hearing, the Commission is hereby authorized to increase the rate at which the county is authorized to levy and collect the Special School District Tax to a maximum rate, for any tax year of the county, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 4. The limitation on the maximum rate of the Special School District Tax contained in the preceding Section 3 of this act, shall not be construed to prohibit a subsequent increase in the rate

at which the Special School District Tax may be levied pursuant to the provisions of subsection (f) of Amendment No. 373 or any subsequent amendment to the Constitution authorizing an increase in the rate at which the Special School District Tax or ad valorem taxes in general are authorized to be levied.

Section 5. The increase in the rate at which the Special School District Tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in Tuscaloosa County School District No. 2 who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 6. This act shall become effective when it is signed by the Governor or upon its otherwise becoming law.

Approved July 22, 1987

Time: 8:53 A.M.

Act No. 87-491 H. 1072—Rep. Johnson (RW)

AN ACT

To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district in the said county known as School District No. 1 (being all that part of the said county lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama), the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Amendment No. 3" means that certain amendment to the Constitution that was proposed by Act No. 60 enacted at the 1915 Regular Session of the Legislature of Alabama.

"Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.

"Commission" means Tuscaloosa County Commission or other governing body of the county.

"Constitution" means the Constitution of Alabama of 1901.

"County" means Tuscaloosa County, Alabama.

"Special School District Tax" means the special ad valorem tax for public school purposes that is authorized in Section 2 of Amendment No. 3 to be levied and collected on taxable property in Tuscaloosa County School District No. 1.

"Tuscaloosa County School District No. 1" means the special school tax district in the county which consists of all that part of the county lying North and West of the Black Warrior River except the territory lying within the corporate limits of the City of Tuscaloosa, Alabama, as such school tax district now exists or as it may be hereafter formed.

Section 2. The county is presently authorized to levy and collect the Special School District Tax at a rate of $.40 on each one hundred dollars (4 mills on each dollar) of assessed value pursuant to Amendment No. 3 and proceedings heretofore taken by the Commission under Amendment No. 373. Pursuant to a resolution adopted by the Commission in accordance with the provisions of Amendment No. 373, the county proposes to increase the rate at which the Special School District Tax is levied to a maximum rate, for any tax year of the county, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution heretofore adopted by the Commission after a public hearing, the Commission is hereby authorized to increase the rate at which the county is authorized to levy and collect the Special School District Tax to a maximum rate, for any tax year of the county, which is equal to $1.40 on each one hundred dollars (14 mills on each dollar) of assessed value.

Section 4. The limitation on the maximum rate of the Special School District Tax contained in the preceding Section 3 of this act, shall not be construed to prohibit a subsequent increase in the rate at which the Special School District Tax may be levied pursuant to the provisions of subsection (f) of Amendment No. 373 or any subsequent amendment to the Constitution authorizing an increase in the rate at which the Special School District Tax or ad valorem taxes in general are authorized to be levied.

Section 5. The increase in the rate at which the Special School District Tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing

in Tuscalosoa County School District No. 1 who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 6. This act shall become effective when it is signed by the Governor or upon its otherwise becoming law.

Approved July 22, 1987

Time: 8:45 A.M.

Act No. 87-492 H. 1105—Rep. Lindsey

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Leesburg, in Cherokee County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said city, all territory now within such corporate limits, and also other territories in Cherokee County, Alabama, described as follows:

TRACT ONE

A strip of land, 300 feet in width, and being 300 feet evenly off of the South side of the centerline of the right of way of U.S. Highway No. 411 said strip beginning at the point where the centerline of the right of way of U. S. Highway No. 411 intersects the West boundary line of Section 11, Township 10 South, Range 8 East, in Cherokee County, Alabama, and thence running in a Southwesterly direction to the point where the centerline of said U.S. Highway 411 intersects the West boundary line of Section 16, Township 10 South, Range 8 East; also

A strip of land, 600 feet in width, and being 300 feet evenly on each side of the centerline of the right of way of Alabama Highway No. 68 beginning at the point where the centerline of the right of way of Alabama Highway Number 68 intersects the North boundary line of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 8 East, and thence running in a Northerly direction to the point where the centerline of said Alabama Highway No. 68 intersects the North boundary line of Section 2, Township 10 South, Range 8 East; also

A strip of land, 600 feet in width, and being 300 feet evenly on each side of the centerline at the right of way of Alabama Highway No. 273, beginning at the point where the centerline of Alabama Highway No. 273 intersects the Easterly boundary line of the right of way of Alabama Highway No. 68 in Section 2, Township 10 South, Range 8 East, and thence running in an Easterly direction to the point where the centerline of Alabama Highway No. 273 intersects with Cherokee County Road No. 44 in Section 1, Township 10 South, Range 8 East; also

All that part of Section 12, Township 10 South, Range 8 East that lies North and West of the old bed of Coosa River.

TRACT TWO

The Northeast Quarter of the Southeast Quarter of Section 11, Township 10 South, Range 8 East.

EXCEPTIONS AND RESERVATIONS:

There is reserved and excepted from the lands hereinabove described the following:

1. There is reserved and excepted from the above lands any portion of said lands which may lie up to and below that certain datum plane of 565 feet above sea mean level as established by the United States Coast and Geodetic Survey as adjusted in January, 1955.

2. There is reserved and excepted from the above described lands any portion of said lands which may lie within the Tillery Subdivision as the same appears of record in Plat Book 5 at page 31 in the Probate Office of Cherokee County, Alabama.

3. There is reserved and excepted from the lands hereinabove described any portion of said lands which may lie within the Holman Subdivision as the same appears of record in Plat Book 5 at page 18 in the Probate Office of Cherokee County, Alabama.

4. There is reserved and excepted from the lands hereinabove described all that part of the West Half of the Northwest Quarter of Section 12, Township 10 South, Range 8 East, which lies North and West of the public road leading from Leesburg to Round Mountain, Alabama.

5. There is reserved and excepted from the lands hereinabove described all that part of Fraction "B", Section Twelve (12) Township Ten (10), Range Eight (8) East as follows: Beginning on Section line between Sections Eleven (11) and Twelve (12) at point where same crosses the Leesburg-Cedar Bluff Public Road; thence north along

Section line 10.9 chains; thence east 5.6 chains to said Leesburg-Cedar Bluff Public Road; thence Southwest along said road to the point of beginning, containing about 4.5 acres, more or less.

6. All of that piece or parcel of land situated, lying and being in the Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 2, Township 10 South, Range 8 East and the Northeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 11, Township 10 South, Range 8 East, Cherokee County, Alabama, and being more particularly described as follows, to-wit:

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 8 East, and thence go South 88 degrees 45 minutes West for a distance of 848.6 feet, more or less, to the Easterly right-of-way boundary of Highway No. 68; thence along the Easterly right-of-way boundary of said Highway No. 68 the following courses and distances: North 27 degrees 11 minutes 46 seconds West, 61.13 feet; thence North 25 degrees 58 minutes 46 seconds West, 400 feet; thence North 27 degrees 52 minutes 12 seconds West, 100 feet, thence North 27 degrees 48 minutes 45 seconds West, 100 feet; thence North 27 degrees 45 minutes 19 seconds West, 100 feet; thence North 26 degrees 19 minutes 23 seconds West, 100.02 feet; thence North 29 degrees 18 minutes 06 seconds West, 100.05 feet; thence North 27 degrees 59 minutes 04 seconds West, 100 feet; thence North 27 degrees 52 minutes 12 seconds West, 300 feet; thence North 27 degrees 59 minutes 04 seconds West, 100 feet; thence North 27 degrees 48 minutes 45 seconds West, 100 feet; thence North 27 degrees 14 minutes 23 seconds West, 100 feet; thence North 27 degrees 04 minutes 04 seconds West, 100 feet; thence North 26 degrees 36 minutes 34 seconds West, 100.01 feet; thence North 26 degrees 22 minutes 49 seconds west, 100.02 feet; thence North 26 degrees 15 minutes 57 seconds West, 100.03 feet; thence North 25 degrees 45 minutes 02 seconds West, 100.05 feet; thence North 25 degrees 00 minutes 25 seconds West, 100.10 feet; thence North 26 degrees 38 minutes 29 seconds West, 331.30 feet; thence North 20 degrees 27 minutes 43 seconds West, 111.09 feet; thence leaving the Easterly right-of-way boundary of Highway No. 68 and go, South 84 degrees 24 minutes 38 seconds East, 987.66 feet; thence South 52 degrees 21 minutes East, 1,431.78 feet; thence South 27 degrees 35 minutes East, 884.51 feet, more or less, to the Northerly right-of-way boundary of Highway No. 44; thence South 32 degrees 10 minutes West, along the Northerly right-of-way boundary of Highway No. 44, a distance of 755.62 feet; thence South 88 degrees 45 minutes

West, 60.4 feet, more or less, to the point or place of beginning; containing 75.73 acres, more or less.

All the above described lands lying and being contiguous and adjacent to the present boundary lines of the Town of Leesburg, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:55 A.M.

Act No. 87-493 H. 481—Rep. Zoghby

AN ACT

Relating to Mobile County; to amend Act No. 544, S. 602, 1967 Regular Session, as amended, which provides for funds from the general fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, so as to provide further for said funding.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 544, S. 602, 1967 Regular Session, as amended, is hereby further amended to read as follows:

"Section 2. There shall be paid annually, in equal monthly installments, out of the general fund of every county to which this act applies to the board of health of such county such sums of money as shall be reasonably necessary for the County Health Department, for the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon, and for the maintenance and operation of such department, under the direction of the county health officer, which sum for any fiscal year after September 30, 1987, shall not be less than a sum equal to $1.75 per capita of population according to the last or any succeeding federal census, and which sum for any fiscal year after September 30, 1989, shall not be less than a sum equal to $2.00 per capita of population according to the last or any succeeding federal census. The amount to be appropriated each year shall be determined by the governing body of the county under the foregoing rules and directions. Such sum may be anticipated, but for not longer than 12

months, by temporary loan certificates issued by the county board of health, and, when anticipated, the proceeds shall be used for the same purposes as the sum so appropriated."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:56 A.M.

Act No. 87-494 H. 952—Reps. Black and Blakeney

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Butler in Choctaw County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

PARCEL I: Township 13 North, Range 2 West

Section 7: SE1/4 of SW1/4

PARCEL II: Beginning at a point on the East line of Section 23 at a point 400 feet South of the South right-of-way line of Highway 24; thence run Westwardly, parallel with, and 400 feet South of said Highway 24 right-of-way to the West side of John Carter lot as recorded in Deed Book 104, page 13; thence run due North 695.2 feet to a point 400 feet from the North right-of-way line of Highway 24; thence Eastwardly, parallel with, and 400 feet from said North right-of-way line back to the East line of said Section 23; thence South to the point of beginning. All in Section 23, Township 13 North, Range 3 West, Choctaw County, Alabama.

PARCEL III:

Section 9. Begin at a point where the East right-of-way line of Alabama Highway No. 17 intersects the West boundary line of Section 9, Township 13 North, Range 2 West, Choctaw County, Alabama, and go in a Northeasterly direction along and with the East right-of-way line of said Alabama No. 17 to the Southwest corner of that parcel of land described in that certain deed recorded in Deed Book

233, page 377, Office of Judge of Probate, Choctaw County, Alabama; thence go in a Southeasterly direction in a straight line to the Northwest corner of that certain lot described in that certain deed recorded in Deed Book 246, page 662-666, Office of Judge of Probate, Choctaw County, Alabama; thence go on a line parallel with the North right-of-way line of Choctaw County Highway No. 17, said line located a distance 346 feet Northeast of the North line of said Choctaw County Highway No. 27 to the North line of the SW1/4 of Section 9, Township 13 North, Range 2 West, Choctaw County, Alabama, thence go West along and with said North line to the Northwest corner of the SW1/4 of said Section 9; thence go North along and with the West line of said Section 9 to point of beginning.

Section 9: SW1/4

PARCEL IV: Township 13 North, Range 2 West.

Section 16: West 1/2 of the Northwest 1/4.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:57 A.M.

Act No. 87-495 H. 955—Rep. Headley

AN ACT

Relating to Chilton County; abolishing the office of county treasurer; investing all the duties and powers of the county treasurer under the supervision of a county official designated as county administrator; and providing for the appointment and compensation of such county administrator.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chilton County, the office of county treasurer is hereby abolished. The county commission is hereby authorized to appoint a county administrator that shall perform all acts, duties and functions required by law to be performed by the county treasurer.

Section 2. Subject to the approval of the Chilton County Commission, the county administrator shall appoint and fix the duties and compensation of a sufficient number of clerks and assistants to adequately perform the duties of the office. The acts of the chief

clerks shall have the same force and legal effect as if performed by the county administrator.

Section 3. The Chilton County Commission shall provide the necessary offices for the county administrator and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, necessary for the efficient performance of the duties of the office.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:58 A.M.

Act No. 87-496 H. 983—Rep. Clark (J)

AN ACT

Relating to Barbour County, to authorize the county commission to levy and collect certain taxes and fees, and to provide for the disposition of any proceeds from such taxes and fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Barbour County Commission is hereby authorized and empowered to levy, at their discretion, and collect or provide for the collection of additional taxes and fees outside the city limits of Clayton, Clio, Louisville, and Eufaula, as follows:

A solid waste disposal fee or a garbage fee, not to exceed $6.00 per month, on residents of the county who do not contract for private garbage disposal.

Such fees shall be collected by use of the property tax books. Any owner of rental property shall pay the fee on any property he owns. Mobile home owners shall pay said fee at the time they buy their tags or decals. Provided, however, no property shall be seized or sold for failure to pay the fees or taxes imposed pursuant to this act.

Section 2. The revenue from the taxes and the increase in fees herein authorized shall be deposited into the county general fund to be used in the manner prescribed by the county commission.

Section 3. Before imposing any tax or fee provided for in section 1 of this act, the county commission shall publish a copy of the proposed tax or fee in the Clayton Record and the Eufaula Tribune at least thirty days prior to its enactment. The county commission is further authorized to conduct public hearings and conduct advisory referendum elections on any profound tax or fee provided for in section 1 of this act.

Section 4. It is expressly provided that each section, clause, provision or portion of this act shall be construed as inseparable and nonseverable from all others, and in the event that any section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire act and each section, clause, provision or portion thereof shall be inoperative and have no effect.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 8:59 A.M.

Act No. 87-497 H. 712—Rep. Hogan

AN ACT

Relating to Walker County; amending Act No. 113, H. 69, 1965 First Special Session, which establishes a civil service system for the City of Jasper, so as to provide further for the compensation of members of the Civil Service Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 113, H. 69, 1965 First Special Session, is hereby amended to read as follows:

"Section 6. The members of the Board shall each be entitled to Fifty Dollars ($50.00) pay for each meeting of the Board he attends, but he shall not be entitled to any other compensation or allowance. The Board shall have power to appoint clerical assistants and engage legal counsel of its own choice who shall be paid by the

city. The pay of members of the Board for attending board meetings shall also be paid by the City."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:00 A.M.

Act No. 87-498 H. 752—Rep. Harvey

AN ACT

Relating to Blount County; To provide for a special recording fee of $2.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Blount County; and to provide for the expenditure of the funds in the office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Blount County, a special recording fee of $2.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office, and on and after such date no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of $2.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office at the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county treasury to the credit of the probate office to be expended by the judge of probate, at his discretion for improving the recording system, purchase of equipment, indexing and other related office expense for general office operations.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:01 A.M.

Act No. 87-499 H. 783—Rep. Mathis

AN ACT

Relating to Geneva County; to provide for the compensation of the revenue commissioner in said county, and to specifically repeal parts of Section 6, Act 651, Regular Session 1978 (Acts 1978, p. 923) in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The revenue commissioner of Geneva County shall be compensated at the rate of $35,000 per annum, payable in equal monthly installments from the county treasury. Such compensation shall be paid in lieu of all other salaries, fees and allowances heretofore provided by law for said commissioner.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed and the last sentence of Section 6 of Act No. 651, 1978 Regular Session, (Acts 1978, page 923) is hereby specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:02 A.M.

Act No. 87-500 H. 798—Rep. Turner

AN ACT

Relating to Mobile County; providing that the county commission shall call for a public hearing to be held a certain time prior to approving any landfill project and dirt pits in said county and empowering the county commissioner representing the commission district in which such proposed landfill and dirt pits are to be located with veto power over any commission decision approving such landfill project and dirt pits if such public hearing is not called as provided for in this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the Mobile County Commission deems it to be in the public interest to approve a landfill project and dirt pits to be established anywhere in the county, it shall call for a

public hearing on such landfill project and dirt pits to be held at least 30 days prior to approving such project and dirt pits. Such public hearing shall be attended by all of the members of the county commission and at least two competent representatives of the business entity that is to serve as the primary contractor for such landfill project and dirt pits. In the event such public hearing is not held in compliance with the foregoing provisions of this section, the county commissioner representing the commission district in which such proposed landfill project and dirt pits are to be situated is hereby authorized and empowered to exercise veto power, at his or her discretion, over the remaining members of the county commission on any decision approving such project and dirt pits.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:03 A.M.

Act No. 87-501 H. 856—Rep. White (L)

AN ACT

Relating to Tallapoosa County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tallapoosa County, in addition to any and all other taxes heretofore levied, the county commission is hereby authorized to levy and impose an additional ad valorem tax in the amount of 4 mills on each dollar of taxable property. Said tax shall be earmarked to the county general fund to be used for general county purposes. The additional ad valorem tax imposed by this act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

Section 2. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who

reside in Tallapoosa County and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on special school taxes, and shall be held in conjunction with the next regularly scheduled federal, state or local election to be held in the county or at a special election held for such purpose. Notice of the election shall be given as are other county elections under the general applicable laws of this state. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1987 Regular Session of the Legislature, which authorizes the Tallapoosa County commission to impose an additional ad valorem tax in the amount of 4 mills on each dollar of taxable property, to be used for general county purposes? Yes ( ) No ( )."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect on October 1, 1987. If a majority of the votes cast are in the negative, the act shall have no effect. The judge of probate for Tallapoosa County shall certify the results of the election to the Secretary of State and to the state revenue department after the returns have been certified.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:04 A.M.

Act No. 87-502 H. 924—Rep. Zoghby

AN ACT

To provide that certain employees of Mobile County covered under the employees' retirement system who were employed by a municipality of Mobile County prior to the municipality's participation in the retirement systems shall be eligible under certain conditions to receive credit for the prior service as an employee of the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who, as of October 1, 1987, is an employee of Mobile County covered under the state employees' retirement system, who has been a member of the employees' retirement system for at least seven years and who was employed by a municipality of Mobile County prior to that municipality's participation in the retirement systems, may hereby claim and purchase credit for

any such prior service provided, he shall pay to the secretary-treasurer of the employees' retirement system within six months from October 1, 1987, a sum equal to the total contributions which he would have made as a member during the period of employment from February 1, 1946, to May 1, 1949.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:05 A.M.

Act No. 87-503 H. 302—Rep. Bugg

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sardis City, Alabama, in Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Sardis City in Etowah County are hereby altered, rearranged and extended so as to include and encompass within the corporate limits of said municipality all of the following territory located within the following description, to-wit:

Begin at the Northwest corner of Section 3, Township 10 South, Range 5 East in Etowah County, Alabama, and from thence run in an easterly direction and along the North line of Section 3 to the Northeast corner of Section 3; thence run in a southerly direction and along the east line of Section 3 and Section 10, Township 10 South, Range 5 East, to the Southeast corner of Section 10; thence run in a westerly direction along the South line of Section 10 to the Southeast corner of the SE 1/4 of the SW 1/4 in Section 10; thence run in a southerly direction and along the East line of the NW 1/4 and the SW 1/4 of Section 15, Township 10 South, Range 5 East to the Southeast corner of the SW 1/4 quarter; thence run in a westerly direction and along the south line of Section 15, to the Southwest corner of Section 15; thence run in a westerly direction and along the South line of Section 16 and Section 17, Township 10 South, Range 5 East to a point 500 feet east of the Northeast right-of-way line of U.S. Highway 431; thence run in a southeasterly direction and parallel to the northeast right-of-way line of U.S. Highway 431 to a point on the south line of the NW 1/4 of the NE 1/4 in Section 20, Township 10 South, Range 5 East; thence run in

a westerly direction and along the South line of the NW 1/4 of the NE 1/4 and of the NE 1/4 of the NW 1/4 to the southwest corner of said quarter section; thence run in a northerly direction and along the west line of the NE 1/4 of the NW 1/4 to the Northwest corner of said quarter section; thence run in a westerly direction and along the south line of the SW 1/4 of the SW 1/4 of Section 17, Township 10 South, Range 5 East, to a point where the south line of said quarter section intersects the northeasterly right-of-way line of Old Guntersville Road; thence run in a northwesterly direction and along the northeasterly right-of-way line of Old Guntersville Road to a point where said northeasterly right-of-way line intersects the southwesterly right-of-way line of Louisville-Nashville Railroad; thence run in a northwesterly direction and along the southwesterly right-of-way line of Louisville-Nashville Railroad to a point where the southwesterly right-of-way line intersects the northeasterly right-of-way line of Old Guntersville Road; thence run in a Northwesterly direction and along the northeasterly right-of-way line of Old Guntersville Road to a point where said northeasterly right-of-way line intersects the north line of Government Lot C; thence run in an easterly direction along the corporate limits of the Town of Boaz to the southwesterly right-of-way line of the Louisville and Nashville Railroad; thence run in a northwesterly direction and along the southwesterly right-of-way line of the Louisville and Nashville Railroad to a point in the northerly right-of-way line of Country Club Drive; thence run in a northeasterly direction along the northerly right-of-way line of Country Club Drive and along the corporate limits of the Town of Boaz to the southeast corner of the corporate limits of the Town of Boaz, thence run in a northwesterly direction and along the existing corporate limits of the Town of Boaz to a point on the south line of the NW 1/4 of the NW 1/4 in Section 17, Township 10 South, Range 5 East; thence run in a westerly direction and along the corporate limits of the Town of Boaz to the southwest corner of the NW 1/4 of the NW 1/4 of Section 17, Township 10 South, Range 5 East; thence run in a northerly direction and along the corporate limits of the City of Boaz to the northwest corner of Section 17, thence run in a northwesterly direction along the corporate limits line of the City of Boaz to a point on the North line of the SE 1/4 of the SE 1/4 of Section 7, said point being 400 feet west of the southeast corner of the NE 1/4 of the SE 1/4 of Section 7; thence run in a northerly direction along the east line of Section 7 to the southeast corner of the NE 1/4 of the NE 1/4 of Section 7; thence run in a westerly direction and along the south line of the NE 1/4 of the NE 1/4 of Section 7 a distance of 100 feet to a point; thence run in northwesterly direction and parallel to the southwest right-of-way line of U.S. Highway 431 to a point on the North line of Section 7, Township 10 South, Range 5 East; thence run in an easterly direction and along the north line of Section

7, 8, and 9, Township 10 South, Range 5 East to the northeast corner of Section 9; thence run in a northerly direction and along the west line of Section 3, Township 10 South, Range 5 East, to the Northwest corner of said section; said point being the point of beginning of the corporate limits of the Town of Sardis City, Alabama, a municipal corporation, and all of said property being in Etowah County, Alabama.

Section 2. All laws, parts of law, and boundary lines of other towns and municipalities which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:06 A.M.

Act No. 87-504 H. 785—Rep. Beasley

AN ACT

Relating to Houston County; authorizing branch banking.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act any established bank which is authorized by its charter or by law to do a general banking business in Houston County may, with the written consent of the State Department of Banks, open, establish, and operate branch banks, branch offices or places for doing a banking business anywhere within the county, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:07 A.M.

Act No. 87-505

H. 808—Reps. Walker, Buskey (JL), McKee and Mikell

AN ACT

Relating to Montgomery County; authorizing the Montgomery County Commission and the Montgomery County Sheriff's Department to prohibit the overgrowth of weeds, the storage and accumulation of junk, inoperable motor vehicles and other litter; requiring a county license to operate a junkyard; and providing penalties for violations.

WHEREAS, accumulation or storage of junk, trash, scrap materials, rubbish, tires, inoperable motor vehicles, litter, debris, and other matter, all or any one or combination thereof, on premises within the unincorporated territory of Montgomery County constitutes a real and present danger and hazard to the health and safety of the citizens of the county; and

WHEREAS, such storage and accumulations are widespread and have caused reduction in the value of neighboring premises; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for the owner or other person in charge or control of a building, lot, junkyard or other premises within the unincorporated territory of Montgomery County to fail to keep said lot, junkyard or premises clean and free from garbage, refuse, litter, junk, debris, salvaged materials, household furniture, trash, used motor vehicle tires, inoperable motor vehicles, kitchen and other household appliances, rags, paper, cardboard and other nondecorative matter including any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community and thereby cause a substantial diminution in the value of other property nearby.

Section 2. It shall be unlawful for any person to park, leave or store upon any place or premises within the unincorporated territory of Montgomery County more than one motor vehicle which is not currently and validly registered and tagged as required by state law; provided, that this section shall not apply to a licensed business if such parking, leaving, or storing of such motor vehicle is a reasonably necessary incident in the operation of said business. Each day such condition is maintained shall constitute a separate offense.

Section 3. No person shall establish, operate or maintain a junkyard containing any items listed in section 1 of this act, but not limited to those items, any portion of such junkyard which is within 1,000 feet of the nearest edge of the right-of-way of any highway, without obtaining a county license to do so from the county commission. No such license shall be granted except for those junkyards which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the highway.

The county commission shall have the authority to issue licenses for the operation of junkyards within the limits defined in this act, and may revoke said licenses at any time a junkyard fails to conform to the requirements of this act, and shall charge therefor a fee of $25.00, payable annually in advance. This fee shall be in addition to the $25.00 license fee required under Section 23-1-244, Code of Alabama 1975. All licenses issued under this act shall expire on January 1 following the date of issue. Licenses may be renewed from year to year upon payment of the requisite fee. Proceeds from such fees shall be deposited in the general fund of the county.

Section 4. This act shall be enforced by the Montgomery County Commission through its County Road Division and the Montgomery County Sheriff's Department.

Any person found in violation of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be sentenced according to law.

Section 5. Nothing in this act shall be deemed to preclude any aggrieved person from filing a civil suit to have any such overgrowth, storage and accumulations abated.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:08 A.M.

Act No. 87-506 H. 857—Rep. White (L)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Jackson Gap, in Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Jackson Gap in Tallapoosa County are hereby altered, rearranged and extended so as to include within the corporate limits

of said municipality, in addition to the lands now included, all of the following territory, to-wit:

SW 1/4 Sec. 12; SE 1/4 Sec 12 lying N & W of Rock Springs Road; N 1/2 Sec 13; E 1/2 of SE 1/4 Sec. 13; SE 1/4 Sec 14; E 1/2 of SW 1/4 Sec. 14; SE 1/4 Sec 21; S 1/2 Sec. 22; NE 1/4 Sec. 22; NW 24 Sec. 22 lying S of U. S. Highway #280 and E of Carterstown-Peckerwood Road; S 1/2 Sec. 23; S 1/2 of N 1/2 Sec. 23; SW 1/4 Sec. 24; S 1/2 of NW 1/4 Sec. 24; S 1/2 of NE 1/4 of NW 1/4 Sec. 24; E 1/2 Sec. 24 lying E of Jackson Gap Loop Road; N 1/2 of NW 1/4 Sec. 25; N 1/2 of N 1/2 Sec. 26; SW 1/4 of NW 1/4 Sec. 26 lying N of N right-of-way margin of Valentine-Peckerwood Road; N 1/2 Sec. 27 lying N of N margin Valentine-Peckerwood Road and above 490′ contour flood rights of Lake Martin as established by Alabama Power Company; NE 1/4 Sec. 28 lying N of N margin Peckerwood-Valentine Road and E of E margin Piney Points-Peckerwood Loop Road; in T-22-N, R-22-E.

Less and except: SE 1/4 of SE 1/4 of SE 1/4 of Sec. 21 lying East of the centerline of Carterstown-Peckerwood Road and South of a line 50 feet South of and parallel with the North boundary of the S 1/2 of the SE 1/4 of the SE 1/4 Sec. 21.

S 1/2 of SW 1/4 of SW 1/4 of Sec. 22 lying South of a line 50 feet South of and parallel with the North boundary of the S 1/2 of the SW 1/4 of SW 1/4 Sec. 22 and Westerly of the centerline of unpaved county road (Carterstown-Madwin Creek); N 1/2 of N 1/2 of NE 1/4 of Sec. 28 lying South and East of Peckerwood-Carterstown Road; N 1/2 of N 1/2 of NW 1/4 of Sec. 27 lying West of centerline of unpaved county road (Carterstown-Madwin Creek); S 1/2 Sec. 18; S 1/2 of N 1/2 Sec. 18; Sec. 19; N 1/2 of N 1/2 Sec. 30; in T-22-N, R-23-E.

Less and except: NW 1/4 of NW 1/4 Sec. 30 lying South and West of U. S. Highway #280.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:09 A.M.

Act No. 87-507 H. 922—Rep. Johnson (RG)

AN ACT

To provide that the City Council of the City of Sylacauga, Alabama, Talladega County, may by ordinance, adopted not less than six (6) months prior to the regular

municipal election, divide the municipality into single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council member be elected by only the electors of the district they wish to represent; to provide procedures for filling a vacancy in the office of the mayor in any such municipality; and to require the municipal clerk to file a certified copy of the ordinance, together with a map or plat of the city or town showing the boundaries of such districts, with the Probate Judge of the county or counties in which the municipality is located.

Be It Enacted by the Legislature of Alabama:

Section 1. The City Council of the City of Sylacauga, Alabama, Talladega County, may, not less than six months prior to the regular general municipal election, by ordinance adopted by a majority of the membership of the council, divide the municipality into single-member districts (wards) of not less than five nor more than seven districts (wards). The ordinance shall provide that candidates for election for a place on the council, where the council has been divided into districts, shall reside within the boundaries of said district (ward) for which he or she seeks election, and shall continue to reside in the district he or she represents so long as he or she remains a member of said council and further that candidates for election to a place on the council shall have resided within the district from which he or she seeks election for a period of ninety days immediately preceding the date of the election. Only electors residing within a district shall be entitled to vote for candidates seeking election for said district.

The ordinance establishing the districts shall describe the territory composing the district by metes and bounds and the municipal clerk, within five days after the adoption of the ordinance, shall file with the judge of probate of the county or counties in which the municipality lies a certified copy of such ordinance, accompanied by a map or plat of the city or town, showing the boundaries of all such districts.

In the event of a vacancy from any cause in the office of mayor in any municipality, which has adopted an ordinance to establish districts as herein provided, the council shall fill the vacancy either from its own membership or from without the membership of the council. The person elected by the council to fill the vacancy in the office of mayor shall be a qualified elector in the municipality and must meet all other legal qualifications required by law for the performance of the duties of the office to which elected.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:10 A.M.

Act No. 87-508 H. 930—Reps. Turnham and Higginbotham

AN ACT

Relating to Lee County; authorizing the Lee County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Health of Lee County may annually fix a schedule of fees which shall cover the actual cost or a portion thereof involved in the performance of services rendered, pursuant to the duties, functions and programs required by law or by regulation or of the county or state board of health. Any fee schedule fixed pursuant to this act shall be effective upon approval of the county commission.

Section 2. The Lee County Board of Health is hereby authorized to promulgate rules and regulations necessary and proper for the administration of this act. Such regulations shall include but not be limited to the furnishing of services without charge to documented indigent residents, or persons of said county, and matters pertaining to payment of said fee for personal health services, permits and inspections.

Section 3. All fees and receipts collected shall be paid over to the county health officer of Lee County and deposited in a depository of the county and shall be expended for the support, maintenance, and operation of the public health services in said county.

Section 4. Funds collected under this act may be utilized to match funds from other available sources.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:11 A.M.

Act No. 87-509 H. 933—Reps. McMillan and Penry

AN ACT

Relating to the Twenty-eighth Judicial Circuit; providing for certain county salary supplements for the circuit judges and district attorney in said circuit in lieu of any local salary supplements and expense allowances heretofore provided by law for such judges and district attorney; prescribing the manner and time frame within which such county salary supplements shall be paid from the county general fund of the county containing said circuit and prescribing certain conditions which may be relative to the payment of such salary supplements.

Be It Enacted by the Legislature of Alabama:

Section 1. It has come to the attention of the Legislature that the present compensation of the circuit judges and district attorney for the Twenty-eighth Judicial Circuit is somewhat below the average of that being paid to circuit judges and district attorneys in other judicial circuits in this state which have considerably lighter caseloads than the Twenty-eighth Judicial Circuit. Therefore, the Legislature intends through this act to provide that the compensation of the circuit judges and the district attorney of the Twenty-eighth Judicial Circuit shall hereafter be consistent with that paid to circuit judges and district attorneys in similar judicial circuits in this state.

Section 2. Beginning October 1, 1987, all circuit judges and the district attorney for the Twenty-eighth Judicial Circuit shall receive a county salary supplement in an amount, as hereinafter prescribed, which shall be in lieu of any and all other county salary supplements and expense allowances heretofore provided by law for such judges and district attorney. The total amount of such county salary supplement for such judges and district attorney shall be $20,000.00 per annum payable in equal monthly installments from the general fund of the county containing said judicial circuit. Provided, however, that the payment of the full amount ($20,000.00) of such salary supplements on October 1, 1987, shall be conditioned upon the county's ability to pay such supplements as determined by the county commission from revenue projections and budget analyses. If the county commission deems that the county cannot afford to pay the full amount ($20,000.00) of such salary supplements beginning

October 1, 1987, then, the county commission shall phase in such salary supplements over a three-year period as follows:

Effective Phase In Date	Total Amount of Supplement
October 1, 1987	$11,000.00
October 1, 1988	$16,000.00
October 1, 1989	$20,000.00

It is the intent of this section that by October 1, 1989, that the total amount of the county salary supplements provided by this act for circuit judges and the district attorney of the Twenty-eighth Judicial Circuit shall be $20,000.00 per annum. Provided further, that the county commission may pay the full $20,000.00 per annum supplement at any time they feel county finances can afford same.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:12 A.M.

Act No. 87-510 H. 945—Rep. Parker

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Beginning at the southeast corner of Section 4, Township 7 South, Range 4 West, Morgan County, the true point of beginning of the tract herein described, thence from the true point of beginning

run west along the south boundary of said Section 4 and along the existing corporate city limit line of Hartselle, Alabama, a distance of 385 feet, more or less, to a point; thence north along said existing city limit line a distance of 220 feet, more or less, to a point; thence west along said existing city limit line a distance of 370 feet, more or less, to a point; thence south along said existing city limit line a distance of 220 feet, more or less, to a point on the south boundary of said Section 4; thence west along said existing city limit line a distance of 580 feet, more or less, to a point; thence north along said existing city limit line a distance of 207 feet, more or less, to a point; thence west along said existing city limit line a distance of 210 feet, more or less, to a point; thence south along said existing city limit line a distance of 207 feet, more or less to a point on the south boundary of said Section 4; thence west along the south boundary of said Section 4 a distance of 880 feet, more of less, to a point, thence north a distance of 420 feet, more or less, to a point; thence west a distance of 195 feet, more or less, to a point on the east right-of-way margin of Vest Road; thence north along the east right-of-way margin of Vest Road a distance of 429.9 feet, more or less, to a point; thence east a distance of 220 feet, more or less, to a point; thence north a distance of 131.91 feet, more or less to a point; thence east a distance of 220 feet, more or less, to a point; thence north a distance of 331.91 feet, more or less, to a point, thence east a distance of 2,200 feet, more or less, to a point on the east boundary of said Section 4, point also being on the west boundary of Section 3, Township 7 South, Range 4 West, Morgan County, Alabama, point also being on said existing city limit line; thence south along the west boundary of said Section 3 and along said existing city limit line a distance of 565 feet, more or less, to a point; thence east along said existing city limit line and along the north right-of-way margin of Lane Road a distance of 519 feet, more or less, to a point; thence south along said existing city limit line a distance of 226 feet, more or less, to a point; thence east along said existing city limit line a distance of 113 feet, more or less, to a point; thence south along said existing city limit line a distance of 181 feet, more or less, to a point; thence west along said existing city limit line a distance of 255 feet, more or less, to a point; thence south along said existing city limit line a distance of 342 feet, more or less, to a point on the south right-of-way margin of Rhodes Street; thence west along the south right-of-way margin of Rhodes Street a distance of 385 feet, more or less, to the true point of beginning, lying and being within Sections 3 and 4, Township 7 South, Range 4 West, Morgan County, Alabama, and containing 78.66 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:13 A.M.

Act No. 87-511 H. 946—Rep. Layson

AN ACT

Relating to Pickens County; to provide further for the expense allowance of the county coroner and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Pickens County shall be entitled to an expense allowance in the amount of $200.00 per month. Such expense allowance shall be paid by the county and shall be retroactive to August 1, 1985.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:14 A.M.

Act No. 87-512 H. 947—Rep. Parker

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Hartselle in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Beginning at a point where the south right-of-way margin of Alabama Highway No. 36 intersects the east right-of-way margin of Puckett Road, point being THE TRUE POINT OF BEGINNING of the tract herein described; thence from the true point of beginning

run south along the east right-of-way margin of Puckett Road a distance of 1,470 feet, more or less, to a point; thence east a distance of 478.5 feet, more or less, to a point on the existing corporate city limit line of Hartselle, Alabama; thence south along said city limit line a distance of 130 feet, more or less, to a point; thence east along said city limit line, a distance of 860 feet, more or less, to a point; thence south along said existing city limit line a distance of 425 feet, more or less, to a point; thence east along said existing city limit line a distance of 1,320 feet, more or less, to a point; thence south along said existing city limit line a distance of 1,389 feet, more or less, to a point on the south right-of-way margin of Mitwede Road; thence west along said south right-of-way margin of Mitwede Road, a distance of 990 feet, more or less, to a point; thence south along said existing city limit line a distance of 285 feet, more or less, to a point; thence west along said existing city limit line a distance of 330 feet, more or less, to a point; thence south along said existing city limit line a distance of 1,010 feet, more or less, to a point on the south boundary of Section 16, Township 7 south, Range 4 west; thence west along said existing city limit line and south boundary of Section 16, a distance of 1,320 feet, more or less, to a point; thence north along said existing city limit line a distance of 690 feet, more or less, to a point; thence west along said existing city limit line a distance of 660 feet, more or less, to a point; thence north along said existing city limit line a distance of 50 feet, more or less, to a point; thence west along said existing city limit line a distance of 340 feet, more or less, to a point; thence north along said existing city limit line a distance of 230 feet, more or less, to a point; thence west along said existing city limit line a distance of 300 feet, more or less, to a point on the east right-of-way margin of Rice Road; thence north along said existing city limit line and east right-of-way margin of Rice Road a distance of 350 feet, more or less, to the south west corner of Burns Ranch Estates as shown by map or plat in Plat Book 5, at Page 86, in the office of Judge of Probate, Morgan County, Alabama; thence east along said existing city limit line and south boundary of Burns Ranch Estates, a distance of 1,360 feet, more or less, to a point; thence north 0 degrees 20′ west along the east boundary of said Burns Ranch Estates a distance of 445.60 feet to the northeast corner of said Burns Ranch Estates; thence south 89 degrees 46′ W along the north boundary of said Burns Ranch Estates a distance of 1,360 feet to a point on the existing said city limits line and east right-of-way margin of Rice Road; thence north along said existing city limit line and east right-of-way margin of Rice Road a distance of 440 feet, more or less, to a point; thence east continuing along said city limits line a distance of 1,160 feet, more or less, to a point; thence north along said existing city limit line a distance of 223 feet, more or less, to a point; thence east along said existing city limit line a distance of 200 feet, more or less, to

a point; thence north along said existing city limit line a distance of 212 feet, more or less, to a point; thence west along said existing city limit line a distance of 1,360 feet, more or less, to a point on the west right-of-way margin of Rice Road; thence north along said existing city limit line and west right-of-way margin of Rice Road, a distance of 1,836 feet, more or less, to a point on the south right-of-way margin of Alabama Highway No. 36; thence in a northeasterly direction along the south right-of-way margin of Alabama Highway No. 36 a distance of 1,376 feet, more or less, to the TRUE POINT OF BEGINNING, lying and being within Section 16, Township 7 south, Range 4 west, Morgan County, Alabama, and containing 218.12 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:15 A.M.

Act No. 87-513 H. 954—Reps. Crow and Willis

AN ACT

Relating to Calhoun County; amending Act No. 80-86, 1980 Regular Session (Acts of 1980 Regular Session), so as to increase the fee for issuance of pistol permits to persons under age 65 by the sheriff; and to change the method of distribution of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Calhoun County, except as provided in Section 2, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13A-11-75, Code of Alabama 1975, shall be Ten Dollars, which shall be collected by the sheriff of the county and deposited in the county treasury. This fee shall be credited to a special fund or account in the county treasury to be known as the sheriff's law enforcement fund to be used exclusively by the sheriff for purposes reasonably related to the administration and operation of the sheriff's office. At least seventy-five percent of said monies shall be used for the specific purpose of automobile purchases for the Calhoun County Sheriff's Department.

Section 2. Notwithstanding the foregoing, the fee for issuing the described pistol permit to a person aged 65 or older shall be five dollars.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:16 A.M.

Act No. 87-514 H. 956—Rep. Johnson (RG)

AN ACT

To alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

PARCEL 1. Lots 6, 7, 8, 9, 16 and 17 of Mt. View Lake Subdivision, a map or Plat of which is recorded in the Office of the Judge of Probate of Talladega County, Alabama, in Map Book 4, at page 104.

PARCEL 2. Commence at the Northeast corner of Lot No. 2 of the Mountain View Lake Subdivision and as shown by the map of said subdivision on record in the office of the Judge of Probate of Talladega County, Alabama, in Book of Land Plats Number 4 at Page 104, thence proceed South 39 degrees 12 minutes West along the East boundary of said lot for a distance of 69.35 feet for the point of beginning: From this beginning point turn an angle of 21 degrees 12 minutes to the left and proceed South 18 degrees 00 minutes West for a distance of 196.01 feet; thence turn an angle of 70 degrees 49 minutes to the right and proceed South 88 degrees 49 minutes West for a distance of 250 feet to a point; thence proceed North 33 degrees 31 minutes East for a distance of 482 feet, more or less, to a point on the South boundary of Lake View Road and a point on a concave right having a central angle of 79 degrees 00 minutes, a tangent of 237.39 feet and a radius of 287.98 feet; thence proceed Southeasterly along the South boundary of said curve for a

distance of 85 feet, more or less, this point being the point of reverse curve and the point of curvature of a concave left having a central angle of 69 degrees 00 minutes, a tangent of 77.18 feet and a radius of 112.3 feet; thence proceed Southeasterly along the South boundary of said road and along the curvature of said curve for a distance of 73.94 feet; thence proceed South 18 degrees 00 minutes West for a distance of 71.55 feet to the point of beginning. The above described land is located in the Northeast one-fourth of the Northwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

PARCEL 3. Commence at the Southeast corner of Lot No. 4 of the Mountain View Subdivision and as shown by Map of said subdivision on record in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book 4 at page 104. Thence proceed Southeasterly along the Northerly and Easterly boundaries of Lake View Road a distance of 310 feet, more or less, to a point, said point being the Southwest corner of a parcel of land (7 acres) owned by John and Martha Hill and located in the Northeast one-fourth of the Northwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama, for a point of beginning. From this beginning point, proceed East 7 degrees 55 minutes North along the South boundary of John and Martha Hill's parcel of land a distance of 439 feet to a point; thence South a distance of 482 feet to a point on the East boundary of said property; thence proceed in a Westerly direction a distance of 485 feet to a fence on the East boundary of Lake View Road for a point; thence proceed Northerly along the East boundary of Lake View Road a distance of 473 feet to the point of beginning. The above described land is located in the Northwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

PARCEL 4. TRACT I: All of the Southwest one-fourth of the Southwest one-fourth of Section 13, Township 21 South, Range 3 East, Talladega County, Alabama.

TRACT II. Commence at the Northwest corner of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama, as a point of beginning. From this beginning point proceed North 88 degrees 20 minutes East along the North boundary of said section for a distance of 539.53 feet; thence turn an angle of 118 degrees 02 minutes to the right and proceed South 26 degrees 22 minutes West for a distance of 424.61 feet to a point on the North boundary of Mountain Road; thence proceed North 76 degrees 21 minutes West along the North boundary of said Mountain Road for a distance of 350 feet to a point on the West boundary of said section; thence proceed North 1 degree 14 minutes West along the West boundary of said section for a distance of 282.3 feet to the point of beginning.

The above described land is located in the Northwest one-fourth of the Northwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

TRACT III. Commence at the Northwest corner of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama; thence proceed North 88 degrees 20 minutes East along the North boundary of said Section for a distance of 604.53 feet to the point of beginning. From this beginning point continue North 88 degrees 20 minutes East along the North boundary of said section for a distance of 792.21 feet; thence turn an angle of 90 degrees 39 minutes to the right and proceed South for a distance of 422.7 feet to a point on the Northerly right-of-way line of Lake View Road as shown by map of said Mountain View Lake Subdivision on record in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book 4 at page 104; thence proceed Northerly, Northwesterly and Southwesterly along the Northerly right-of-way line of said road for a distance of 647.74 feet; thence proceed North 41 degrees 22 minutes West along the Easterly boundary of an unnamed street for a distance of 358.55 feet to the point of beginning. The above described land is located in the Northwest one-fourth of the Northwest one-fourth and the Northeast one-fourth of the Northwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

PARCEL 5. Commence at the Southwest corner of the Southeast one-fourth of the Southwest one-fourth of Section 24, Township 21, Range 3 East, Talladega County, Alabama; thence proceed East along the South boundary of said forty acres a distance of 530 feet; thence proceed North a distance of 30 feet to the point of beginning; thence proceed North for a distance of 600 feet to the Southeast corner of the land of Dixon Wesson; thence run Northwesterly along the South line of the land of Dixon Wesson a distance of 180 feet to the Southwest corner of said land of Dixon Wesson; thence proceed in a Southwesterly direction in a straight line that would intersect a point 230 feet East of the Southwest corner of said Southeast one-fourth of Southwest one-fourth on said South boundary line for a distance of 300 feet, more or less, to a point; thence turn an angle to the right and proceed in a Northwesterly direction a distance of 90 feet to the Southeast corner of the land of Kermit Roberson; thence proceed in a Southwesterly direction, along the South boundary of the land of Kermit Roberson, a distance of 272 feet to a point; thence proceed South a distance of 110 feet to the Northwest corner of the land of one Turney; thence proceed in a Southeasterly direction along the North boundary of the land of one Turney a distance of 263 feet, more or less, to a point; thence proceed in a Southeasterly direction on a straight line a distance of 310 feet, more or less, to the point of beginning.

PARCEL 6. TRACT I. Commence at the Northwest corner of the Northwest one-fourth—Northeast one-fourth, Section 24, Township 21 South, Range 3 East, Talladega County, Alabama, and run South along the West boundary line of said Northwest one-fourth—Northeast one-fourth 212.5 feet; thence turn 90 degrees, 00 minutes left and run 430.0 feet; thence turn 89 degrees, 29 minutes right and run 1265.0 feet; thence turn 90 degrees, 31 minutes right and run 186.0 feet to the point of beginning of herein described parcel of land; thence turn 88 degrees, 42 minutes right and run 180.1 feet; thence turn 88 degrees, 42 minutes left and run 187.9 feet; thence turn 92 degrees, 42 minutes left and run 180.1 feet; thence turn 87 degrees, 18 minutes left and run 183.5 feet to the point of beginning of herein described parcel of land.

TRACT II. Commence at the Northwest corner of the Northwest one-fourth of the Northeast one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama, and run South along the West boundary line of said Northwest one-fourth of Northeast one-fourth, 212.5 feet; thence turn 90 degrees, 00 minutes left and run 430.0 feet; thence turn 89 degrees, 29 minutes right and run 1265.6 feet to the point of beginning of herein described parcel of land; thence turn 90 degrees, 31 minutes right and run 186.0 feet; thence turn 88 degrees, 42 minutes right and run 180.1 feet; thence turn 91 degrees, 18 minutes right and run 188.5 feet; thence turn 89 degrees, 29 minutes right and run 180.0 feet to the point of beginning of herein described parcel of land.

PARCEL 7. A lot or parcel of land located in the Northwest Quarter of the Southeast Quarter, Section 24, Township 21 South, Range 3 East, Talladega County, Alabama, and being more particularly described as commencing at the Southwest corner of said forty; thence North 0 degrees, 52 minutes West along the West line of the Northwest quarter of the Southeast quarter of said Section 24 along the center of a paved road 323.9 feet thence North 89 degrees, 08 minutes East 17.5 feet to the East side of said paved road and the place of beginning; thence from the place of beginning and along the East side of said paved road North 0 degrees, 52 minutes West 75.0 feet thence North 75 degrees, 08 minutes East 204.0 feet; thence South 16 degrees, 21 minutes East 140.0 feet; thence North 88 degrees, 15 minutes West 235.6 feet to the place of beginning.

PARCEL 8. Commence at the Northeast corner of the Southwest one-fourth of the Southeast one-fourth of Section 24, township 21 South, Range 3 East, Talladega County, Alabama; thence proceed South along the East boundary of said quarter-quarter section for a distance of 579.24 feet to the point of beginning. From this beginning point continue South along the East boundary of said quarter-quarter section for a distance of 304.5 feet; thence turn an angle of 88 degrees,

53 minutes to the right and proceed West for a distance of 298.45 feet to its point of intersection with the Easterly right-of-way line of the Old Childersburg-Sylacauga Highway; thence proceed Northwesterly along the Easterly right-of-way line of said highway for a distance of 367.3 feet to a point; thence proceed East for a distance of 504.0 feet to the point of beginning. The above described land is located in the Southwest one-fourth of the Southeast one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

PARCEL 9. Commence at the Southeast corner of the Southwest one-fourth of the Northeast one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama, thence proceed West along the South boundary of said quarter-quarter section for a distance of 444.44 feet to the point of beginning. From this beginning point turn an angle of 89 degrees 42 minutes 40 seconds to the right and proceed North for a distance of 314.78 feet; thence turn angle of 90 degrees 54 minutes to the right and proceed East for a distance of 220.0 feet; thence turn an angle of 89 degrees 06 minutes to the right and proceed South for a distance of 312.43 feet; thence proceed West for 220.0 feet, more or less, to point of beginning. The above described land is located in the Southwest one-fourth of the Northeast one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

PARCEL 10. Lot 9-11 of the Second Addition to Center Point Acres Subdivision as shown by map of said subdivision on record in the Office of the Judge of Probate of Talladega County, Alabama, in Plat Book 5 at Page 34.

PARCEL 11. A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 8, Township 21 South, Range 4 East, Talladega County, Alabama, and being more particularly described as commencing at the Northwest corner of the Northwest one-fourth of the Northeast one-fourth of said Section 8; thence South 0 degrees 26 minutes West along the West line of said quarter-quarter section 137.63 feet; thence North 83 degrees 32 minutes East 392.75 feet to the Northwest corner of the property described hereon and the PLACE OF BEGINNING: thence from the place of beginning and continuing North 83 degrees 32 minutes East 231.0 feet to an old wire fence and hedge row, said point is on the East line of the property owned by Jerry and Judy Johnson; thence South 0 degrees 36 minutes East along said fence and hedge row 661.6 feet to the North side of Talladega County Road No. 140, said point is also described as being the Southeast corner of the Johnson property; thence South 83 degrees 32 minutes West along the North side of said road 20.0 feet; thence North 38 degrees 36 minutes West 119.06 feet; thence North 71 degrees 46 minutes West 98.91 feet; thence

North 9 degrees 20 minutes West 228.33 feet; thence South 78 degrees 40 minutes West 10.0 feet; thence North 9 degrees 11 minutes West 152.0 feet; thence North 81 degrees 35 minutes East 43.22 feet; thence North 8 degrees 28 minutes West 135.6 feet to the PLACE OF BEGINNING and containing 2.88 acres, more or less. (Bearings are magnetic.)

PARCEL 12. Commence at the Northeast corner of the Northeast one-fourth of the Southwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama; thence proceed West along the North boundary of said quarter-quarter section for a distance of 420 feet; thence turn an angle of 89 degrees 04 minutes to the left and proceed South for a distance of 55.6 feet to a point on the South right-of-way line of a Talladega County Highway Project S.A.C.P. 409-B and the point of beginning of land herein described. From this beginning point continue South for a distance of 405.3 feet to a concrete monument; thence turn an angle of 90 degrees 56 minutes to the right and proceed West parallel to the South right-of-way line of said Talladega County Highway Project for a distance of 210 feet to a concrete monument; thence turn an angle of 89 degrees 04 minutes to the right and proceed North for a distance of 405.3 feet to a point on the south boundary of said Talladega County Highway Project; thence proceed East along the South boundary of said highway for a distance of 210 feet to the point of beginning. The above described land is located in the Northeast one-fourth of the Southwest one-fourth of Section 24, Township 21 South, Range 3 East, Talladega County, Alabama.

PARCEL 13. A parcel of land located in the Southeast quarter of the Southwest quarter, Section 14, Township 22 South, Range 4 East, Talladega County, Alabama, and being more particularly described as commencing at the Southwest corner of said Section 14, thence North 1 degree 30 minutes East (bearings are magnetic) 4967.2 feet to the South right-of-way line of U.S. Highway No. 280; thence North 88 degrees 38 minutes East along the South right-of-way line of said highway 1657.95 feet to the East line of Lake Joy Subdivision; thence South 1 degree 30 minutes West along said East line 4367.96 feet to the Northerly side of Old Rock House Road; thence South 59 degrees 30 minutes East 514.07 feet to another point on the Northerly right-of-way of Old Rock House Road and the place of beginning; thence North 31 degrees 46 minutes East 726.0 feet; thence South 58 degrees 14 minutes East 300.0 feet; thence South 31 degrees 46 minutes West 726.0 feet to the Northerly right-of-way of Old Rock House Road; thence North 58 degrees 14 minutes West along the Northerly right-of-way of Old Rock House road 300.0 feet to the place of beginning.

PARCEL 14. That 13.4 acre tract in the Southeast Quarter of the Northeast Quarter (Southeast one-fourth of the Northeast one-fourth) of Section 27, Township 21 South, Range 3 East, Talladega County, Alabama, being the entire forty less and excepting a tract of 18 acres in the Southwest corner of said forty, being a rectangle, running 630 feet North and 1247 feet East from said Southwest corner and also less and excepting a parcel of uniform width of 465.6 feet running from North to South across the West side of said forty, North of the above described excepted tract.

PARCEL 15. The North 60 feet of Lot No. 3 as shown by the plat made by J. E. Grimes and shown on the deed from A. F. Pannell and wife, Elma Pannell, to R. G. Pannell dated December 7, 1939, and recorded in the Office of the Judge of Probate of Talladega County, Alabama, in Deed Book 99 at Page 246, a copy of said plat being also shown on the back of the deed from Dee Norred and wife Autrey Norred to J. L. Horton and Mildred Horton dated December 30, 1949, and recorded in the Office of the Judge of Probate of Talladega County, Alabama, in Deed Book 182 at page 369, said lands hereby conveyed being more particularly described as follows: Commence at the Southwest corner of the Southwest one-fourth of the Southeast one-fourth of Section 36, Township 21 South, Range 3 East, Talladega County, Alabama, and thence run North along the West boundary of said forty for a distance of 756 feet to a point for a point of beginning; from said beginning point go North along the West boundary of said forty a distance of 60 feet to the Northwest corner of said Lot 3; thence go East and along the North line of said Lot 3 a distance of 288 feet, more of less, to Shirtee Creek; thence run Southerly and along said Creek to a point which lies 60 feet South of the North line of said Lot 3; thence go West a distance of 288 feet, more or less, to said point of beginning.

All the above described real estate is located in Talladega County, Alabama.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:17 A.M.

Act No. 87-515 H. 962—Reps. Venable and Mikell

AN ACT

Relating to Elmore County; providing for a special indexing fee on documents filed in the office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. In Elmore County, a special indexing fee of $1.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of the judge of probate and for indexing of other instruments and documents in the probate office in the discretion of the county commission, and no such instrument shall be received for record in the office of the judge of probate unless the said special indexing fee of $1.00 is paid thereon. Said special indexing fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special indexing fees so collected shall be deposited into the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:18 A.M.

Act No. 87-516 H. 742—Rep. Melton

AN ACT

To authorize the City of Tuscaloosa, Tuscaloosa County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable only to the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Section 2. The Legislature of Alabama hereby finds and declares that the health, safety and welfare of the people of the City of Tuscaloosa, in Tuscaloosa County Alabama, are enhanced by the

continual encouragement, development, growth and expansion of private enterprise within this state; that there are certain economically depressed areas in such city that need particular attention to create new jobs, stimulate economic activity and attract private sector investment rather than government subsidy to improve the quality of life of their citizens. Therefore, it is the purpose of this act to encourage new economic activity in this depressed area by means of reduced taxes and the removal of unnecessary governmental barriers to the production and earning of wages and profits and the creation of economic growth.

Section 3. In order to further the purposes of this act, the municipal governing body is hereby authorized to create by ordinance one or more specific areas as Enterprise Zones which the governing body finds are areas of pervasive poverty, unemployment, and general economic distress, and, in order to encourage private investment, to promote the creation of jobs within such zones, such city is hereby authorized within such zones to initiate and carry out special programs which include, but are not limited to, the following:

(a) A reduction of municipal tax rates, municipal license rates and/or municipal fees for governmental services within such zones.

(b) An increase in the level or efficiency of public services within the zone including provision for the providing of such services by nongovernment entities.

(c) Reduction, removal, simplification, or other modification of regulatory requirements applying within such zones.

(d) Involvement of private entities, organizations, neighborhood associations and community groups with such zones, including the provision by such entities of jobs, job training, and technical, financial, and other assistance to employers, employees, and residents of such zones.

(e) Other services or modification of requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zones under any Act of the Congress of the United States heretofore or hereafter enacted.

Section 4. In carrying out any program established in an Enterprise Zone created hereunder, the governing body of the county in which such city is situated, and all agencies of such city and county agencies created thereby, and the State of Alabama and all agencies thereof, are hereby authorized to carry out programs which include, but are not limited to, those authorized for such city under the provisions of paragraphs (a), (b), (c), (d) and (e) of Section 3 above.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:19 A.M.

Act No. 87-517 H. 977—Rep. Butler

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Huntsville, in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

All that part of Section 17, Township 5 South, Range 2 West of the Huntsville Meridian, Madison County, Alabama, particularly described as beginning at a point lying on the South boundary of said Section 17 and on the existing Huntsville, Alabama, corporate limits; said point is further described as lying East 1600 feet from the center of the South boundary of said Section 17; thence proceeding along the existing Huntsville corporate limits as follows: North for 1450 feet; East for 100 feet; North for 150 feet; East for 100 feet; North for 1200 feet; East for 300 feet; North for 200 feet; and East for 400 feet to a point lying on the East boundary of said Section 17 and on the Centerline of Wall Triana Highway; thence leaving the existing Huntsville corporate limits proceeding South along the East boundary of said Section 17 and along the Centerline of Wall Triana Highway for 746 feet to a point lying on the existing Triana, Alabama, corporate limits; thence proceeding along the existing Triana corporate limits as follows: West for 330 feet; South for 1030 feet; West for 277 feet; South for 467 feet to a point lying on the North margin of Swanscott Road; East along the North margin of Swanscott

Road for 303 feet; and South for 757 feet to a point lying on the South boundary of said Section 17; thence leaving the existing Triana corporate limits proceeding West along the South boundary of said Section 17 for approximately 570 feet to the point of beginning and containing 33.5 acres more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:20 A.M.

Act No. 87-518 H. 999—Rep. Hamilton

AN ACT

Relating to Lauderdale County, to provide further for the compensation of the members of the county board of education, to provide retroactive effect and to repeal certain acts.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of Lauderdale County shall each receive from the public school funds of the county twenty-five dollars ($25.00) for each meeting attended, three hundred dollars per month and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the board shall not be paid for attending more than twenty-four meetings in any one year. Their compensation and expenses shall be paid in like manner as provided for the payment of the compensation of teachers. The compensation and expenses provided herein and the expense allowance provided in Act 429, H. 1057 of the 1975 Regular Session (Acts of 1975, p. 1034), shall be the total compensation paid said members and shall be in lieu of all other compensation provided by law.

Section 2. Act 144, H. 442 of the 1961 Regular Session (Acts of 1961, p. 187), is hereby expressly repealed. All other laws or parts of laws in conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act are curative and remedial and shall have retroactive effect to November 1, 1984, and any actions

taken or payments made in accordance with the provisions of this act since said date are hereby ratified, validated and confirmed.

Approved July 22, 1987

Time: 9:21 A.M.

Act No. 87-519 H. 1009—Reps. Moon and Rains

AN ACT

Relating to Marshall County; requiring all lodging facilities located in Lake Guntersville State Park to collect certain lodgings taxes as provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, all laws to the contrary notwithstanding, all motel and hotel or other like lodging accomodations or facilities located in Lake Guntersville State Park are hereby required to collect from their patrons all lodgings taxes heretofore authorized by section 40-26-1, Code of Alabama 1975, and Act No. 82-405, 1982 Regular Session. The amount collected and distributed and the procedure for collection and distribution shall be the same as those amounts and procedures set forth in said provisions of law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 4:15 P.M.

Act No. 87-520 H. 1013—Reps. Moon and Rains

AN ACT

To fix the fee for the issuance of pistol permits in Marshall County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be $10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the Sheriff of Marshall County in any bank located in Marshall County selected by the sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Marshall County or his appointed agent and shall be exclusively for law enforcement purposes in the public interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:22 A.M.

Act No. 87-521 H. 1016—Rep. Bowling

AN ACT

Relating to Cullman County; providing for the county governing body to reimburse the offices of the revenue commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cullman County governing body shall reimburse the office of the revenue commissioner and the probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total for each office of twenty-five hundred dollars ($2,500) per annum, arising or caused by error, if the mistake or omission was caused without personal knowledge, including loss arising from acceptance of worthless or forged checks, drafts, money orders or other written orders for money or its equivalent.

Section 2. It shall be the duty of the revenue commissioner and the probate judge to insure that their employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by said officials or any clerk or employee of said offices.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:23 A.M.

Act No. 87-522 H. 1017—Reps. Moon and Rains

AN ACT

Relating to Marshall County; authorizing the Marshall County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; prescribing misdemeanor penalties against those who violate the provisions of this act; and construing that the provisions of this act are cumulative.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marshall County Commission is hereby authorized to impose upon every person, firm or corporation who sells,

stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Marshall County a county privilege, license or excise tax in the following amounts:

(a) Two cents ($0.02) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Two cents ($0.02) for each cigar of any description made of tobacco or any substitute therefor except little cigars, such as Winchester cigars or cigarellos, which are similar and which are packaged in the same manner as cigarettes, shall be taxed as cigarettes under Section 1(a).

(c) Two cents ($0.02) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which are prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Two cents ($0.02) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Two cents ($0.02) for each can, bottle, glass, tumbler package or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other federal, state or local taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. (a) Upon adoption of a resolution by the Marshall County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose in Marshall County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes,

cigars, snuff, smoking tobacco and like tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products.

(b) Prior to adopting such resolution provided for in Section 2(a), the said commission shall first call for a nonbinding advisory referendum on the question of imposing the additional county tax on cigarettes and tobacco products as described by this act. Said election shall be held and conducted as nearly as possible in the same way as county wide elections and shall be held on the same day as the next special, primary, state or county wide election, next following passage of this act. Notice of the election shall be given by the judge of probate of Marshall County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law levying an additional cigarette and tobacco products tax? Yes ( ) No ( )."

Section 3. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Marshall County in the business for which the tax is hereby levied to fail or refuse to add to the price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or part of the amount collected or absorb or advertise directly or indirectly the absorption of the tax or any portion thereof.

(a) The proceeds from the tax hereby authorized, less the actual cost of collection not to exceed ten per centum (10%) shall be paid by the state department of revenue to the Marshall County Commission, on a monthly basis. At the beginning of each quarter, all revenue shall be divided equally among qualified volunteer fire departments of Marshall County that presently include the Volunteer Fire Departments of Asbury, Beulah, Douglas, Four C, Georgia Mountain, Grant, Hebron, Mt. Hebron, Nixon Chapel, Ruth, Swearengin, Tri-Community, Union Grove and Wakefield; city fire departments of Marshall County that presently include the City Fire Departments of Albertville, Arab, Boaz and Guntersville; and rescue squads of Marshall County that presently include Arab, Guntersville and Union.

(b) The Marshall County Association of Volunteer Firemen shall formulate a plan by which new volunteer fire departments or rescue squads may be qualified to share in the revenue and can be eligible for funds upon qualifying and becoming recognized in the prescribed manner. The new city fire departments are automatically members and eligible to receive funding.

(c) Should a volunteer fire department, city fire department or rescue squad cease to exist, their share of the monies shall be divided

equally among the remaining participants and said remaining participants shall equally share in absorbing services rendered by the defunct entity or entities.

Section 4. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 5. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purpose of this act. All such rules and regulations duly promulgated shall have force and effect of law.

Section 6. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully set out herein.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesaler dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. The provisions of this act shall be construed in pari materia with any and all other provisions of law, or parts of law, relating to taxes, tobacco products or firefighting departments; provided, however, that all laws or parts of laws which are in direct conflict herewith are hereby repealed.

Section 10. This act shall become effective upon the first day of the third month following the month of passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:24 A.M.

Act No. 87-523 H. 1090—Rep. Thomas

AN ACT

Relating to Lowndes County; authorizing the Lowndes County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lowndes County Commission is hereby authorized to impose upon every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes tobacco or certain tobacco products in Lowndes County a county privilege, license or excise tax up to the following amounts:

(a) Five cents ($0.05) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) Five cents ($0.05) for each cigar of any description made of tobacco or any substitute therefor.

(c) Five cents ($0.05) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) Five cents ($0.05) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) Five cents ($0.05) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, cigars, snuff, smoking tobacco and like tobacco products, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Upon adoption by the Lowndes County Commission, every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution in Lowndes

County any cigarettes, cigars, snuff, smoking tobacco and like tobacco products shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, smoking tobacco and like tobacco products, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, smoking tobacco and the tobacco products, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes, cigars, snuff, smoking tobacco and like tobacco products. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Lowndes County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars ($100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby authorized shall be paid by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds received under authority of this act less actual costs of collection, not to exceed ten per centum, shall be paid by the state department of revenue to Lowndes County for distribution within 10 days as follows:

(1) For the first year, August 1, 1987, to July 31, 1988, one hundred percent (100%) shall be paid over to the county general fund for the exclusive use of the County Highway Department.

(2) Beginning August 1, 1988, and each year thereafter, sixty-five percent (65%) shall be paid over to the county general fund for the exclusive use of the County Highway Department and thirty-five percent (35%) shall be paid over to the county board of education.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:25 A.M.

Act No. 87-524 H. 513—Reps. Biddle, Wright and Curry

AN ACT

Relating to Jefferson County, authorizing the Jefferson County Coroner-Medical Examiner's Office to take corneal tissue during the course of autopsy proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to rules and regulations recommended by the Jefferson County medical examiner and adopted by the Coroner-Medical Examiner Commission, the coroner-medical examiner and any associate coroner-medical examiner shall be authorized to take

corneal tissue on behalf of any eye bank located in Jefferson County which makes such cornea tissue for transplants available to all medical facilities in Jefferson County authorized to perform such transplants, when such tissue would otherwise be destroyed during the course of the autopsy. There shall be no charge to the patient recipient for the corneal tissue provided by the eye bank.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:26 A.M.

Act No. 87-525 H. 926—Rep. Zoghby

AN ACT

Providing for a medical examiner system for the investigation of certain types of deaths in Mobile County, Alabama; abolishing the office of county coroner; prescribing the manner of appointment, qualifications, powers and duties of the county medical examiner; prescribing procedures and requirements relating to postmortem examinations and autopsies of deaths occurring under certain circumstances in the county; requiring that certain deaths shall be reported to either the county medical examiner or a law enforcement agency in said county; providing protection from civil and criminal liability for such medical examiners properly performing their duties; transferring funds and equipment to the medical examiner system; requiring annual reports on such system to be submitted to the county governing body; imposing criminal penalties for certain violations of this act; and specifically repealing: Act No. 871, H. 1115 Regular Session 1951; Act No. 462, H. 862 Regular Session 1951; Act No. 563, S. 427 Regular Session 1943; Act No. 35, H. 198 and Act No. 36, H. 199 Special Session 1933; and Act No. 153, Regular Session 1866, all relating to the coroner or the operation of the coroner's office in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, Alabama, the office of coroner is hereby abolished and all powers, rights and duties now or hereafter authorized or required by law to be performed by such coroner shall be exercised and performed by the county medical examiner as hereinafter provided for in this act.

Section 2. The state medical examiner assigned to the Department of Forensic Sciences, Region IV office in Mobile, Alabama, shall also serve as the county medical examiner for Mobile County. Other state medical examiners may be assigned as deputy county medical examiners.

Section 3. The county medical examiner shall be a physician licensed to practice medicine in Alabama and trained in anatomic

and forensic pathology. Any vacancy in the county shall be filled by appointment of the Director of the Department of Forensic Sciences, who may waive the requirement temporarily to appoint a physician licensed to practice medicine and trained in anatomic pathology when a vacancy exists which he is seeking to fill.

Section 4. It shall be the duty of the county medical examiner to investigate any death in Mobile County when the death may fall within one or more of the following categories:

(a) Any death that occurs suddenly and unexpectedly, that is, when the person has not been under medical care for significant heart, lung, or other disease;

(b) Any death suspected to be due to violence, resulting, that is, from suicidal, accidental, homicidal, or undetermined injury, regardless of when or where the injury occurred;

(c) Any death suspected to be due to alcohol or drugs or exposure to toxic agents;

(d) Deaths due to poisoning;

(e) All deaths of persons in the custody of law enforcement officers or in penal institutions;

(f) Deaths suspected to be involved with the decedent's occupation;

(g) Deaths unattended by a physician;

(h) Any death due to neglect;

(i) Any stillbirth of 20 or more weeks' gestation unattended by a physician;

(j) Deaths due to criminal abortion;

(k) Any death of an infant or child under 19 years of age where the medical history has not established some preexisting medical condition to clearly explain the death and the preterminal circumstances;

(l) Deaths which are possibly directly or indirectly attributable to environmental exposure not otherwise specified;

(m) Any death suspected to be due to infectious or contagious disease wherein the diagnosis and extent of disease at the time are undetermined;

(n) Any death occurring under suspicious or unusual circumstances;

(o) When a body is to be cremated, dissected or buried at sea; or

(p) When a body is brought into Mobile County without proper medical certification.

Section 5. While investigating a death hereunder, the county medical examiner of Mobile County shall be authorized to take charge of the dead body, and he or a law enforcement officer having jurisdiction, or the medical examiner's legal designee, may take possession and examine or have examined related physical evidence on or about the body at the scene as may be useful in establishing identity of the deceased and/or the cause, manner, and circumstances of death. The county medical examiner shall examine the body and take, retain and examine or have examined whatever tissues, biological fluids or other evidence from the body he deems necessary to determine the cause, manner and circumstances of death and the identity of the deceased.

Section 6. If after investigating a death, the county medical examiner or his designated assistant, who shall be a physician licensed to practice medicine in Alabama, is satisfied that the death was not caused by criminal act or omission and that there are no suspicious circumstances about the death, then the county medical examiner, or his designated assistant, may execute a death certificate in the form required by law and authorize release of the body for final disposition on a certificate as prescribed by the state health department. If the deceased is unidentified, or if the county medical examiner suspects a death was caused by a criminal act or omission, or if the cause of death is obscure, he or a qualified pathologist, licensed to practice medicine in Alabama and under his direction, shall further examine the body and take, retain and examine or have examined whatever tissues, biological fluids or other evidence from the body which he deems necessary to determine the cause, manner or circumstances of death and the identity of the deceased. The county medical examiner or a qualified pathologist under his direction, shall then execute a death certificate in the form required by law and authorize release of the body for final disposition on a certificate as prescribed by the state health department.

Section 7. (a) An autopsy or postmortem examination may be performed by a county medical examiner, at the written direction of the district attorney or his authorized representative, in any case in which the district attorney is conducting a criminal investigation.

(b) An autopsy or postmortem examination may be performed by a county medical examiner, or his designated pathologist, when he suspects the death was caused by a criminal act or omission, or the cause of death is obscure or in his opinion, an autopsy is advisable and in the public interest.

(c) In a death where the county medical examiner does not deem it advisable and in the public interest that an autopsy be performed,

but the next of kin of the deceased requests that an autopsy be performed, the state medical examiner, or a designated pathologist, may perform the autopsy and the cost therefor shall be paid by the next of kin.

Section 8. The county medical examiner of Mobile County or any law enforcement officer having jurisdiction and with the approval of the county medical examiner shall take possession of personal effects on or about the dead body and notify the next of kin in regard to the death. Such personal effects may: (a) be retained as evidence if deemed necessary; or (b) forthwith be returned to the next of kin.

Section 9. It shall be the duty of any person in the county having knowledge concerning a death occurring under the categories defined in section 4 to report such death promptly to the county medical examiner of Mobile County or to any law enforcement agency who, in turn, shall promptly report the same to the county medical examiner of Mobile County. Deaths reportable to the county medical examiner must be reported whether the cause is known or suspected, primary or contributory, or recent, delayed, or remote. No one shall disturb or remove the body or human remains until authorized by the county medical examiner except for the purpose of preserving such body or remains from loss or destruction. Any person who knowingly fails to make such report or withholds related medical or other evidence, or willfully alters the body or related evidence without authority of the county medical examiner and outside the exceptions stated, shall be guilty of a Class B misdemeanor and upon conviction thereof shall be fined or sentenced, or both, according to law.

Section 10. While investigating a death hereunder, the county medical examiner or the director of the Alabama Department of Forensic Sciences is authorized to issue subpoenas for the production of medical documents, radiographs, tissues or fluids as may be required by the investigation.

Section 11. Neither the county medical examiner nor any member of his staff, nor the Director of the Alabama Department of Forensic Sciences nor any member of the department's staff or agents, shall incur any civil or criminal liability for the proper performance of their duties under this act.

Section 12. The reports of death investigations conducted by the county medical examiner or by the Alabama Department of Forensic Sciences, or true copies thereof duly certified by the county medical examiner or the director of the department, are admissible in evidence in any court in Mobile County, with or without testimony by the county medical examiner or Department of Forensic Sciences officials. Provided, however, any person preparing a report given in

evidence under this act may be summoned as a witness in any civil or criminal case by either party to the cause.

Section 13. In addition to the duties and authority described above, the county medical examiner of Mobile County shall also have all duties and authority now or hereafter vested in coroners by the law of Alabama.

Section 14. The state medical examiner shall serve as county medical examiner for Mobile County with no personal compensation from Mobile County.

Section 15. Upon the effective date of this act, title and control of all equipment in the Mobile County coroner's office shall be transferred by Mobile County to the Alabama Department of Forensic Sciences. The Alabama Department of Forensic Sciences shall receive also, on an annual basis, all funds appropriated by the county commission for the coroner's office. Such appropriation shall be the amount agreed to between the county governing body and the Alabama Department of Forensic Sciences each year, but shall not be less than the amount appropriated to the coroner's office in the county's 1986-87 fiscal year budget. The Alabama Department of Forensic Sciences shall utilize all such funds to support death investigation in Mobile County.

Section 16. This act makes no changes in the funding of, responsibility for or existing methods of transporting bodies in Mobile County. The Department of Forensic Sciences is assigned no additional responsibilities for transportation of bodies under this act.

Section 17. The county medical examiner shall make an annual report to the county governing body listing the number of deaths investigated, the determinations made and other reasonable facts as required by the governing body.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. Act No. 153, Regular Session 1866, (Acts 1866, p. 141); Act Nos. 35 and 36, Special Session 1933, (Acts 1933, p. 18); Act No. 563, S. 427, Regular Session 1943 (Acts 1943, p. 561); Act No. 462, H. 862, Regular Session 1951 and Act No. 871, H. 1115, Regular Session 1951 (Acts 1951, pp. 822 and 1504) are hereby specifically repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 22, 1987

Time: 9:27 A.M.

Act No. 87-526 H. 938—Rep. Reed

AN ACT

Relating to Bullock County; providing further for the expense allowances for certain county officials to be paid at the discretion of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bullock County the following county officials shall receive an expense allowance in the amount specified as follows, viz:

District Attorney	$400.00 per month
Sheriff	$400.00 per month
Circuit Judge	$400.00 per month
District Judge	$400.00 per month
Circuit Clerk	$400.00 per month

The expense allowances provided for by this act shall be in lieu of all other expense allowances provided by law and shall be paid out of the county general fund.

Section 2. The Bullock County Commission, in its discretion, shall pay the expense allowances if and when funds are available or if expense allowances are to be paid. The district attorney shall receive his expense allowance first and the sheriff shall receive his expense allowance second; thereafter, if and when funds are available, the remaining officials, in an order determined by the county commission, shall receive their expense allowances.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:28 A.M.

Act No. 87-527 H. 987—Rep. Reed

AN ACT

Relating to Macon County; providing for an elected chairman for the Macon County Commission; prescribing procedures for the election of such chairman; prescribing procedure whereby the county commission shall decide whether such elected chairman shall be a part-time chairman or a full-time chairman; prescribing the salary and term of office of such county commission chairman; providing a certain expense allowance for such county commission chairman; providing for an interim chairman of the county commission if one becomes necessary and providing that this act shall have certain supplemental effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the term of office of the current chairman of the Macon County Commission in September of 1987, the position of chairman of said county commission shall be filled by a person elected as chairman in accordance with the subsequent provisions of this section. A chairman for said county commission shall be elected at-large from the county in a special county-wide election to be held in Macon County for such purpose not less than sixty days nor more than seventy days next following the effective date of this act, with such election to be held, conducted and regulated, and the returns thereof made and certificates therefrom given as provided by law in relation to general elections. The county election commission shall make the necessary provisions for holding such special election. The cost of such election shall be paid from the county general fund. On the expiration date of the term of the current chairman, if the results of such special election are not conclusive as to who has been elected chairman, the county commission shall appoint a qualified elector of Macon County to serve as interim chairman until the chairman elected in the special election is sworn into office. Such interim chairman shall serve without compensation and shall preside over commission meetings but shall not have a vote on any matter before the commission. The initial term of office of the chairman elected, as herein provided, shall commence upon his taking the oath of office as soon as possible after the election results are certified and shall terminate in September of 1991 as provided by law. At its first regularly scheduled meeting

next following the effective date of this act, the county commission shall, by resolution duly adopted and spread upon its minutes, declares whether the chairman to be elected in the special election herein provided for shall be a part-time chairman or a full-time chairman. Such resolution shall be binding as to the status of such chairman until such status is changed thereafter by local law. In the general election in 1990 and every four years thereafter, the qualified electors of Macon County shall elect a chairman for the county commission whose term of office shall commence in September next following his election and shall run for four years therefrom. In case of a vacancy in the office of the chairman, the same shall be filled by appointment made by the Governor for the remainder of the unexpired term of such chairman. Provided, however, if the remainder of such unexpired term exceeds one year, the Governor shall call for an election to fill such vacancy. The salary of a full-time chairman shall be $30,100.00 per annum. The salary of a part-time chairman shall be $18,700.00 per annum. Such annual salary (whether for part-time service or full-time service) shall be paid in equal monthly installments from the county general fund and shall be in lieu of any salary or expense allowances heretofore provided by law for the chairman of the Macon County Commission. Such annual salary, as herein prescribed, shall become effective on the first day of the new term of office of the chairman of the county commission elected under the provisions of this act.

Section 2. In addition to an annual salary as provided in Section 1 of this act, the chairman of the county commission (whether part-time or full-time) shall be entitled to receive an expense allowance in the amount of $2,400.00 per annum. Such expense allowance shall be paid in equal monthly installments from the county general fund and shall become effective on the first day of the new term of office of the chairman elected under the provisions of Section 1 of this act.

Section 3. The provisions of this section shall have supplemental effect and shall be construed in pari materia with the provisions of Act 334, H. 826, of the 1939 Regular Session of the Legislature and any other laws relating to the Macon County Commission and its chairman; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:29 A.M.

Act No. 87-528 H. 993—Rep. Adams

AN ACT

Relating to Russell County; to amend Section 8 of Act No. 85-386, H. 540 of the 1985 Regular Session (Acts 1985, p. 332), relating to levying an additional sales tax, so as to provide further for the termination of any tax levied under the authority of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 85-386, H. 540 of the 1985 Regular Session (Acts 1985, p. 332), relating to levying an additional sales tax in Russell County, is hereby amended to read as follows:

"Section 8. The state department of revenue shall charge Russell County for collecting any special county tax levied under this act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the Russell County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Russell County for that month. The commissioner of revenue shall pay into the state treasury all tax collected under this act, as such tax is received by the department of revenue, and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collection hereunder) the commissioner shall certify to the state comptroller the amount of tax collected under the provisions of this act and paid by him into the state treasury for the benefit of Russell County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Russell County during each month, the commissioner may deduct from the tax collected in said month the charge due the department for the collection of the tax for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the county treasurer of Russell County in his official capacity in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. He shall then deliver to the Russell County Commission the balance remaining. All revenues arising from any taxes herein levied shall be utilized exclusively for the renovation of the county courthouse. Provided, however, if the county commission determines sufficient funds have been acquired from said tax for courthouse renovation, all excess revenue shall be used for capital improvement of public property.

The county commission shall determine the distribution of the excess revenue for capital improvements of public property. Any tax levied under the provisions of this act shall terminate three years after the date first imposed."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:30 A.M.

Act No. 87-529 H. 994—Rep. Adams

AN ACT

Relating to Russell County; to provide that the county commission may authorize two additional deputies to be employed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission may authorize the sheriff of Russell County to employ two additional deputies for his staff. Said deputies shall be paid in the same manner and from the same funds as are other deputies on the staff of the sheriff of Russell County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 22, 1987

Time: 9:31 A.M.